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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, JUNE 9, 2008

9:38 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

Ms. Margo Reid Brown

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Chief Counsel

Mr. Mark de Bie, Division Chief, Permitting & LEA Support
Division

Mr. Michael Bledsoe, Legal Counsel

Mr. Mustafe Botan

Ms. Donnell Duclo, Executive Assistant

Ms. Virginia Humphreys

Ms. Beatrice Poroli

Mr. Ted Rauh, Program Director, Waste Compliance &
Mitigation Program

Mr. Scott Walker, Branch Manager, Cleanup Branch

Mr. Nevin Yeates

ALSO PRESENT

Mr. Steven Chappell, Suisun Resources Conservation
District

APPEARANCES CONTINUED

Ms. Tacy Currey, California Association of Resource
Conservation Districts

Ms. Annette Deglow, College Glen Neighborhood Association

Mr. Phil Fischbach, County of Sacramento

Mr. Gregory Johnson, Anderson Landfill

Mr. Terry Leveille, TL & Associates

Ms. Carolyn Lin, City of Los Angeles

Mr. Abel Pereira, Operator, Florin Perkins site

Mr. John Reed, Sacramento County Counsel

Ms. Carla Serio, Shasta County LEA

Mr. Ricardo Serrano, County of Solano LEA

Ms. Lisa Todd, Sacramento County LEA

Mr. Jerry Vorpahl, Power Inn Alliance

Mr. Jim Wiley, Taylor & Wiley

Mr. Craig Wilson, Stoel Rives LLP

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the June 9th meeting of the Permitting
4 and Compliance Committee.

5 We have agendas on the back table, and if you
6 would like to speak to the committee, I would ask that you
7 fill out a speaker slip and bring it up to Donnell here,
8 up front.

9 And also I would like to request that everyone
10 either turn off or put in the silent mode your cell phones
11 and pagers. And with that, Donnell, would you call the
12 roll.

13 EXECUTIVE ASSISTANT DUCLO: Members Brown?

14 MEMBER BROWN: Here.

15 EXECUTIVE ASSISTANT DUCLO: Mulé?

16 CHAIRPERSON MULÉ: Here.

17 EXECUTIVE ASSISTANT DUCLO: Peace?

18 MEMBER PEACE: Here.

19 CHAIRPERSON MULÉ: And how are we doing on ex
20 partes? Are we up to date?

21 MEMBER BROWN: I am up to date.

22 MEMBER PEACE: Up to date.

23 CHAIRPERSON MULÉ: Up to date.

24 Okay. Now we're just going to have a brief
25 director's report. Ted, good morning.

1 PROGRAM DIRECTOR RAUH: Yes. Good morning, Chair
2 Mulé. I am Ted Rauh, the program director for the Waste
3 Compliance and Mitigation Program. Just a couple of items
4 to brief you on today.

5 As the Board's aware, on May 9th, the governor
6 announced an early start of the California fire season due
7 to the unseasonal dryness and high temperatures. And in
8 response not only to that but to the Board's efforts last
9 year in terms of dealing with fire, debris removal, the
10 staff has updated the Board's Web site and included a
11 number of new features and a lot of new information as
12 well as the information derived as a result of our support
13 of debris removal efforts last year, so that's one of the
14 nature after-action items. We have now completed that,
15 and the information is available and we've been already
16 engaged this year in assisting Santa Cruz County recently
17 with their summit fire. Thirty-one structures were
18 destroyed as well as a large number of outbuildings, and
19 staff did provide technical expertise to the environmental
20 director and others, in response there.

21 Also wanted to give you a heads up that in July,
22 we'll be coming forward with several items related to the
23 Sonoma County waste tire sites. As you know, there are
24 four remaining sites there -- the Flocchini, Maffia,
25 Alghrim, and Infinion sites. And we'll be coming forward,

1 we believe, with a CEQA negative dec for the Infinion
2 site. Unfortunately, we won't be able to also recommend
3 funding to move forward with that site this year inasmuch
4 as the permitting that's required appears to take more
5 time to complete. It's being done by the -- one of the
6 associate players, and it won't be completed in time for
7 this construction cycle. But we'll have that site ready
8 to go for the 2009 construction cycle.

9 We also hope to come forward with items to move
10 forward in terms of this year, for the Maffia and Alghrim
11 sites. So hopefully we'll get at least those two moving
12 and completed this year.

13 And finally, with respect to our efforts both to
14 identify tire sites and also to deal with some of the
15 border issues and piles at sites in the border, we hope to
16 come forward in September with reports both on the border
17 flow of tires and also on the use of satellite imagery to
18 identify tire piles and be able to place that information
19 in the hands of counties across the state. And we hope to
20 make those joint presentations.

21 And that concludes my report for today.

22 CHAIRPERSON MULÉ: Great. Thank you, Ted.

23 Any questions?

24 Just a couple of notes. The committee Item I,
25 Board Agenda Item 8, will be heard at the full board and

1 also, I would like to make a note that Committee Item J,
2 Board Item 9, will be heard at a special meeting on
3 June 12th in Los Angeles.

4 So with that, let's move forward on our agenda to
5 Committee Item B. Ted?

6 PROGRAM DIRECTOR RAUH: Yes, thank you, Chair
7 Mulé.

8 Item B is Consideration of a Revised Full Solid
9 Waste Facilities Permit for the Norcal Waste Systems Hay
10 Road Landfill.

11 And to make the presentation today is Beatrice
12 Poroli.

13 MS. POROLI: Good morning.

14 Before I begin with the presentation of the agenda
15 item, I would like to note that the agenda item and draft
16 resolution were updated to reflect changes made under the
17 key issues. The changes were posted on the Web site last
18 week.

19 The existing facility is owned and operated by
20 Norcal Waste Systems Incorporated and is located in
21 Vacaville.

22 The proposed revised permit is to allow for the
23 following: Increase the elevation; increase the disposal
24 capacity; extend the estimated closure year; change the
25 mix in operations and storage for up to 80,000 cubic yards

1 of dry pile solids and soils for use of operational
2 material.

3 On May 30th, Board staff received an updated
4 proposed revised permit from the LEA. The permit was
5 updated to remove permanent condition No. 71, which
6 required that the operator submit the landfill gas
7 monitoring program within 120 days after the permit was
8 approved. The regulations required compliance prior to
9 this time frame. This permit condition would have been a
10 conflict with the state minimum standards.

11 At the time that the agenda item was prepared,
12 staff had yet to determine consistency of facility design
13 and operation with the state minimum standards. On
14 June 3, 2008, staff conducted a pre-permit inspection with
15 the LEA. We found the design and operation of the
16 facility were consistent with the applicable state minimum
17 standards.

18 The agenda item was updated on June 5, 2008. The
19 updated version of the proposed revised permit agenda item
20 and draft resolution were posted on the board's Web site.
21 The updated agenda item and draft resolution now reflect
22 that all of the requirements for the proposed revised
23 permit have been met as indicated on page 4 of the updated
24 agenda item.

25 Therefore, staff recommend that the Board adopt

1 Solid Waste Facility Permit Decision No. 2008-97
2 concurring in the issuance of Solid Waste Facility Permit
3 No. 48-AA-002.

4 Representatives of the LEA and the operator are
5 present to answer any questions you may have.

6 This concludes staff's presentation.

7 CHAIRPERSON MULÉ: Thank you.

8 Any questions? Board Member Peace, any questions?

9 MEMBER PEACE: I don't have too many questions.

10 As I open this up, the first thing that jumps out at me is
11 2008, no state minimum standards violations. All right.

12 So I know that the LEA must have been working
13 successfully with the operator to bring the facility into
14 compliance. I was just wondering, from the LEA, do you
15 feel like you have developed a better working relationship
16 with the operator?

17 MR. SERRANO: Good morning, Chair Mulé and Board
18 Members. I am Ricardo Serrano, Solano County LEA.

19 Yes, the level of communication, the level of
20 understanding between the operator, the LEA, and also the
21 planners from Norcal Waste Company have improved
22 tremendously as of 2008. One of the key factors that
23 changed in the management from Norcal -- in which they
24 seem to be more cooperative. We have more frequent
25 meetings in our office and also on site and they are more

1 proactive in terms, we're going to be thinking
2 proactively, which changes we are going to be implementing
3 in our landfill. What do you think? Instead of, we're
4 going to do something and then catch me if you can.

5 Thank you.

6 CHAIRPERSON MULÉ: Thank you. No, really.

7 Communication is the key; correct? So it seems
8 like you are working together much better to resolve the
9 issues before they become issues.

10 Thank you.

11 MEMBER PEACE: The only other question I have is,
12 I think this has been taken care of. The height increase
13 in Travis Air Force Base. That item has finally been
14 approved by either the Air Force or --

15 MR. SERRANO: Oh, yes. Even through the EIR
16 discussion back in 2005, we have the Airport Land Use
17 Commission in which this project was presented before
18 them, even before going to the planning commission in our
19 county. And they were okay with the proposed 50-feet
20 height increase.

21 MEMBER PEACE: Thank you.

22 I guess this is a question maybe for our staff
23 because I notice that the -- their name is still B&J Drop
24 Box on the CSC. I realize that the operator, I think, is
25 trying to change that to their real name.

1 But how hard is that to change? Is that something
2 that has to have a majority thing, or is a name change
3 without a -- any other change is just something that
4 should be easier to do than what they are experiencing?

5 CHIEF COUNSEL BLOCK: Well -- Elliot Block from
6 the Legal Office.

7 That is an interesting question to ask. It should
8 be easy, but unfortunately, because it is considered a
9 revision for the deciding element process, it is quite
10 complicated. We do know that the county has done their --
11 they are in the process of doing their latest five-year
12 review plan, and they have identified that as one among a
13 number of things they're going to be utilizing in that
14 siting element. So they are going to take care of it
15 along with a few other things that are a little bit more
16 substantive. So it will be getting taken care of, but....

17 MEMBER PEACE: It's something like name change
18 where they are not changing anything else, it still has to
19 go through the majority? Is that in our regulations? Is
20 that statute?

21 CHIEF COUNSEL BLOCK: There is no process that
22 exists, so that's the problem we have run into. So we on
23 our end, in terms of dealing with this, this has come up
24 on a couple of occasions with other permits. We have not
25 identified this as a reason for a facility for not being

1 in conformance. But we just haven't gone that far down
2 the road to identify different types of revisions to a
3 siting element. They have updated it in their annual
4 report, that sort of thing, but the document itself --
5 there just is no mechanism for that.

6 As you know, over the years, we have been looking
7 at ways to try to revise and make some revisions to both
8 siting elements and NDFEs easier. We just haven't gotten
9 that done yet.

10 MEMBER PEACE: Thank you.

11 CHAIRPERSON MULÉ: Chair Brown, anything?

12 Okay. I have no questions.

13 Again, I just want to thank, first of all, our
14 staff for all the hard work that you put into this permit.
15 Thank you very much. You did a good job. And also to the
16 LEA and the operator for addressing the issues. You have
17 come a long way since you were here late last year. So
18 just keep it going. Don't go back; just move forward.

19 So with that, do I have a motion?

20 MEMBER PEACE: I would like to move Resolution
21 2008-97 Revised.

22 MEMBER BROWN: Second.

23 CHAIRPERSON MULÉ: I have a motion by Member Peace
24 and seconded by Chair Brown.

25 Donnell, would you call the roll, please.

1 EXECUTIVE ASSISTANT DUCLO: Brown?

2 MEMBER BROWN: Aye.

3 EXECUTIVE ASSISTANT DUCLO: Peace.

4 MEMBER PEACE: Aye.

5 EXECUTIVE ASSISTANT DUCLO: Mulé.

6 CHAIRPERSON MULÉ: Aye.

7 We'll put that one on consent.

8 Thank you very much.

9 And let's move to Committee Item C. Ted?

10 PROGRAM DIRECTOR RAUH: Yes, thank you, Chair
11 Mulé.

12 Item C is consideration of a Revised Solid Waste
13 Facilities Permit for the Anderson Landfill in Shasta
14 County. And again, here to present this item today is
15 Virginia Humphreys.

16 CHAIRPERSON MULÉ: Good morning, Virginia.

17 MS. HUMPHREYS: Good morning, Committee Chair and
18 members.

19 The Anderson Landfill is a municipal solid waste
20 facility that began operating in 1977 and is owned and
21 operated by Anderson Landfill, Incorporated, a
22 wholly-owned subsidiary of USA Waste of California,
23 Incorporated.

24 The primary source of waste comes from Shasta
25 County, Humboldt, Siskiyou, and Trinity Counties as well

1 as a variety of other jurisdictions and waste haulers on a
2 periodic basis.

3 The landfill is accepts for disposal municipal
4 solid waste, wood waste, ash from cogeneration facilities,
5 and tires. The Anderson Landfill is also permitted to
6 accept asbestos-containing waste. However, it currently
7 is not accepting this material but may do so again in the
8 future.

9 Some salvaging activities occur at the site and
10 include recycling of white goods, scrap metals,
11 mattresses, furniture, cardboard, green waste, and tires.
12 The landfill is prohibited from receiving hazardous,
13 infectious, or designated waste and has an ongoing load
14 check program to continue monitoring incoming waste for
15 the presence of these types of materials.

16 On May 14th, 2008, Board staff, in conjunction
17 with the LEA, conducted a pre-permit inspection at the
18 Anderson Landfill. No violations were noted, and Board
19 staff found the site to be in compliance with state
20 minimum standards and all Board requirements.

21 Further, since the item was prepared staff of the
22 Board's Remediation, Closure, and Technical Services
23 Branch reviewed the preliminary closure and post-closure
24 maintenance plan and has determined that they are
25 consistent with state minimum standards.

1 The proposed permit will allow for a height
2 expansion of Waste Management Unit 1 and a portion of Unit
3 2V8 from 750 mean sea level 769 and a half mean sea level.
4 Further, Board staff also acknowledges that the proposed
5 permit permitted by the LEA reflects an increase in the
6 remaining site capacity from nine million, ninety-four,
7 eight hundred [sic] cubic yards to 11,914,025 cubic yards
8 and describes an increase in the site life from 2042 to
9 2055.

10 Board staff has had a continued dialogue with the
11 LEA and operator relative to the site capacity numbers and
12 is satisfied with the operator's explanation for the
13 increase.

14 Representatives for the landfill have prepared a
15 report for the Board to explain the increase in capacity
16 and site life and will present this information at the
17 conclusion of Board staff's presentation.

18 The Shasta County LEA has provided a finding that
19 the proposed solid waste facilities permit is consistent
20 with and supported by the cited environmental document,
21 and Board staff has determined that all of the
22 requirements for the proposed permit have been fulfilled.

23 Therefore, Board staff recommends Option 1,
24 concurrence with the issuance of the proposed permit
25 submitted by the LEA, and adopt Resolution 2008-98.

1 Representatives of the LEA and operator are
2 present today to answer any questions.

3 And this concludes Board staff's presentation.

4 CHAIRPERSON MULÉ: Thank you. We do have Gregory
5 Johnson. Is the LEA here? Did they want to make a
6 presentation first? Okay. We'll then let -- if we have
7 questions, stand by. Thank you.

8 Good morning.

9 MR. JOHNSON: Good morning. I'm Greg Johnson.
10 I'm the operator for Anderson Landfill.

11 There was a variation in the 1999 EIR of
12 9 million cubic yards; we're currently at 11 million cubic
13 yards. The change has been basically contributed to
14 improvements and operations and changes in improvements in
15 construction and engineering of the facility.

16 Can you hear me?

17 CHAIRPERSON MULÉ: If you just want to bring that
18 up.

19 MR. JOHNSON: Those changes incorporated about
20 1.7 million cubic yards and were increased by using an
21 area fill technology instead of canyon fill technology
22 that was originally in the EIR assumptions. That would
23 account for 1.7 million cubic yards.

24 About 825 million -- thousand cubic yards would be
25 contributed to the 6 unidentified acres at this time. And

1 then the rest of the cubic yards could be contributed to
2 operational improvements. The original facility was
3 operated with dozers and had a lot of C&D. They didn't
4 use compact for units, and soil control was not very
5 effective. So those improvements have increased our
6 volume capacity.

7 CHAIRPERSON MULÉ: And the height increase?

8 MR. LEONG: The height increase is actually just
9 on top of unit one. The volume associated with the height
10 increase would have been about 90,000 cubic yards which
11 represents about 23 days, and I'm not exactly sure on the
12 time frame there. The actual volume that's going to go up
13 on top of unit one will be soil; there won't be any trash
14 in the 9.5 feet. It will just contour the landfill to
15 allow it to -- you know, storm water to flow off of it.

16 CHAIRPERSON MULÉ: Thank you. Chair Brown?

17 MEMBER BROWN: I have a quick question. How
18 effective has your load checking program been?

19 MR. LEONG: It's very effective. We typically
20 look at almost every load that comes in. So we will catch
21 almost all the volume coming into the facility. It's
22 unacceptable.

23 MEMBER BROWN: Have you caught a lot of HHW that's
24 been mixed with the loads you are bringing?

25 MR. LEONG: We catch a lot of the batteries and a

1 lot of the -- customers would, you know, try to sneak
2 stuff in. So, yes, we are pretty quick on catching those
3 when you come out and look at every load.

4 MEMBER BROWN: Or they don't know what HHW is.
5 Batteries.

6 MR. LEONG: Right.

7 MEMBER BROWN: Thank you.

8 CHAIRPERSON MULÉ: Board Member Peace?

9 MEMBER PEACE: I just had a question. In here, it
10 says that you take mattresses and furniture and tires.
11 Are those all sent for recycling, or what's done with
12 those things?

13 MR. LEONG: Mattresses are not typically recycled.
14 Unfortunately, there's not a real good market for those
15 things to find. We do recycle a lot of the metals, the
16 white goods. We actually do some bicycle recycling and
17 other things for the community.

18 MEMBER PEACE: And green waste you take in is for
19 ADC?

20 MR. LEONG: We don't get a lot of green waste. To
21 be honest with you, the Milbrae facility takes a lot of
22 the green.

23 MEMBER PEACE: And I just wanted to ask someone
24 from our staff. I read in here about the neg dec. They
25 mentioned a visual impact study. A lot of the times -- I

1 can't remember seeing that. Even when sometimes there's
2 50 feet, you know, increase or a hundred feet increase.
3 So I am just wondering, when is that required and who
4 requires that?

5 LEGAL COUNSEL BLEDSOE: Michael Bledsoe, Legal
6 Office.

7 Ms. Peace, that's not required in a negative
8 declaration at all. But if the lead agency feels that
9 that's an environmental concern that should be especially
10 considered, that it will require the -- require that in
11 the negative declaration. I mean, most commonly, you will
12 see traffic studies done that way. But an esthetic study
13 could be done in the same way.

14 MEMBER PEACE: Okay. And I guess the only other
15 question I have is, I look at the date on this, and it
16 looks like it was submitted, like, a month ago and which
17 basically gives our staff about two weeks to review it and
18 to write up an agenda item. So was this -- was this an
19 operator and LEA that had been working with you previously
20 to kind of keep you up to date of what's going on, or do
21 you kind of feel like you were really squished for time
22 here?

23 MR. De BIE: Let me try to answer that question
24 for you from my perspective. Mark de Bie with the
25 Permitting Group.

1 Initially, we thought that this was a pretty
2 straightforward permit with a height increase relative to
3 the closure, and then we started seeing the details in it
4 and especially the variation in the capacity numbers. And
5 I think it's staff's wish that we had more time and not be
6 so rushed to try to figure that one out. It got pretty
7 complicated. I know Virginia had to make a number of
8 calls and chat with the LEA about this and the operator
9 and as well as contacting the Water Board to try to really
10 get our hands around what was going on here. So if we had
11 had more time, I think we would have greatly appreciated
12 it. So for that one issue, yeah, we felt a bit rushed.

13 But again, initially, we thought it was just a
14 pretty straightforward permit and didn't really see any
15 need to ask for additional time from the LEA on it.

16 MEMBER PEACE: I guess that's what always concerns
17 me because our job is to make sure we do an adequate
18 thorough review to protect the public health and the
19 environment. When we feel we don't have enough time, like
20 I said, that concerns me.

21 Is the LEA here?

22 CHAIRPERSON MULÉ: Yes, they are. Could you come
23 up? We have a question or two for you.

24 Please state your name for the record.

25 MS. SERIO: Carla Serio, Shasta County

1 Environmental Health.

2 MEMBER PEACE: From my understanding, our Web site
3 for the LEAs does give you time frames on when certain --
4 like a permit should be submitted in order to really give
5 us that full 60 days to have adequate time to review
6 things before you turn it in.

7 Did you look at that Web site at all or did you --

8 MS. SERIO: It's in the regulations. Yes, I have
9 reviewed that.

10 I would say that your staff has done a remarkable
11 job and has really streamlined the regulatory process and
12 the permitting process, and we greatly appreciate it.

13 MEMBER PEACE: But we greatly appreciate
14 cooperation with the LEAs and making sure that the permit
15 is submitted in such a manner that it actually gives us,
16 you know, more than 30 days -- gives us the 60 days to
17 actually look at it. It is our job to make sure that, you
18 know, we look at everything and make sure the environment
19 is protected and, you know, everything is looked at
20 adequately.

21 CHAIRPERSON MULÉ: It seems like we didn't have
22 all the facts, if that's what I am hearing from you, Mark,
23 is that we really didn't have a full understanding of what
24 was going on in this permit. And I think that's what
25 Board Member Peace is asking about.

1 DIVISION CHIEF DE BIE: I don't know if it was
2 that we didn't have the facts, but it wasn't really clear
3 what the explanation was. We really had to sit down and
4 have some dialogue to really sort it out, as Virginia
5 indicated, and that did take some time to do that.

6 CHAIRPERSON MULÉ: So you were pressed for time?

7 DIVISION CHIEF DE BIE: For that one issue, yes.
8 Everything else in the package was pretty straightforward.

9 MEMBER PEACE: So do you think maybe in the
10 future, maybe you can look at the time frames that are set
11 there on our Web site and make sure that you submit
12 permits that actually give us a little more time than a
13 couple weeks to look over things or maybe communicate
14 when, you know, something's coming up, communicate with
15 our staff a little bit beforehand and make sure what's a
16 good time to submit it, and maybe give us some information
17 beforehand so we can start looking at it beforehand?

18 MS. SERIO: Yeah. I had talked with the
19 supervisor of our area and let them know that this permit
20 was coming up for revision and it had to -- the facility
21 needed a use permit amendment locally to be able to meet
22 the requirements for the solid waste facility permit
23 revision also, so that went to planning commission in
24 early April and was approved.

25 MEMBER PEACE: Well, that still didn't quite

1 answer my question.

2 You need to start working with our staff and stuff
3 more than 30 days before we look at a permit.

4 MS. SERIO: Right. Again, we really appreciate
5 the diligence and the efficiency of the staff has worked
6 really well.

7 MEMBER BROWN: Do you understand the clock issue,
8 that we have to take the permit at a Board meeting? And
9 if counting 60 days and that falls two weeks from now, we
10 can't approve the permit. We've been shortchanged by two
11 weeks of consideration.

12 Do you understand that part of the clock?

13 MS. SERIO: As far as the 60 days?

14 MEMBER BROWN: Yeah.

15 MS. SERIO: From the time that we submit the
16 proposed permit?

17 MEMBER BROWN: Yes.

18 MS. SERIO: Uh-huh.

19 MEMBER BROWN: Okay. So you understand that we
20 don't always get the full time if you don't submit it at
21 the appropriate time according to the Web site? That's
22 why we put the Web site up, so that you understand how
23 staff can get the full 60 days and still take the permit
24 up at a full Board meeting.

25 MS. SERIO: Uh-huh.

1 MEMBER BROWN: Okay. Okay.

2 MS. SERIO: Any other questions?

3 CHAIRPERSON MULÉ: No.

4 MEMBER BROWN: I have a follow-up to Michael's
5 issue.

6 Actually -- and it's not to the LEA. It's a
7 follow-up to Cheryl's question you made. And it was an
8 interesting question to Michael relative to the visual
9 impact study and the traffic. Those specific types of
10 studies are not required under statute or our
11 consideration for the solid waste facility. Those permits
12 are under the LEA's jurisdiction to require the facility
13 or the operator to do additional studies?

14 LEGAL COUNSEL BLEDSOE: Those arise under CEQA and
15 it has to do with evaluating the project to figure out
16 whether it might have significant environmental impacts.
17 And so when you are doing a negative declaration,
18 ultimately the lead agency decides that the project with
19 or without mitigation will not have any impacts, and in
20 order to help them reach that decision, sometimes they
21 will do additional studies, like esthetic studies or
22 traffic studies, to make sure that the project will not
23 have significant impacts, and that provides the
24 substantial evidence to support their determination.

25 MEMBER BROWN: That clearly lies in the LEA's

1 jurisdiction.

2 LEGAL COUNSEL BLEDSOE: In the lead agency's
3 jurisdiction.

4 MEMBER BROWN: So we wouldn't have that authority.

5 LEGAL COUNSEL BLEDSOE: That's correct. Unless we
6 were the lead agency on a project.

7 MEMBER BROWN: Okay. Thank you.

8 MEMBER PEACE: On that same note, so if a landfill
9 came to us and they were going up 200 feet but they didn't
10 have a visual impact study done, we couldn't then say,
11 "Well, we would kind of like to see that." That's not
12 within our jurisdiction.

13 LEGAL COUNSEL BLEDSOE: Well, we could certainly
14 comment during the CEQA process. We might say, "Hey, we
15 see this landfill is going to increase in size and height
16 quite a bit. You really should do an esthetic analysis,"
17 and request that they do so. But we do not have a state
18 minimum standard that expressly addresses esthetic
19 determinations.

20 So we could make that request, but I don't think
21 that we could require it.

22 MEMBER PEACE: Okay. Thank you.

23 CHAIRPERSON MULÉ: All right. Any other
24 questions?

25 Do I have a motion?

1 MEMBER BROWN: Move Resolution 2008-98 Revised.

2 MEMBER PEACE: Second.

3 CHAIRPERSON MULÉ: Okay. That's a motion by Chair
4 Brown; seconded by Member Peace.

5 Donnell, please call the roll.

6 EXECUTIVE ASSISTANT DUCLO: Brown?

7 MEMBER BROWN: Aye.

8 EXECUTIVE ASSISTANT DUCLO: Peace?

9 MEMBER PEACE: Aye.

10 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

11 CHAIRPERSON MULÉ: Aye.

12 Okay. We'll move that one on consent.

13 Move to Committee Item D, Board Agenda Item 3.

14 Ted?

15 PROGRAM DIRECTOR RAUH: Yes, thank you, Chair

16 Mulé.

17 This item is consideration of a New Full Solid
18 Waste Facilities Permit for the Florin Perkins Public
19 Disposal Site Material Recovery Facility and Large Volume
20 Transfer Station -- quite a long name there -- here in
21 Sacramento County.

22 And to present this item is Nevin Yeates.

23 MR. YEATES: Good morning, Madam Chair and Board
24 Members.

25 That is the new permit for the proposed new

1 transfer processing station which will be operated by
2 Zanker Road Resource Management LTD. The proposed
3 operation will be an open-air facility located east of
4 Florin Perkins Road and north of Fruitridge Road in
5 Sacramento County.

6 The facility is located on ten acres with a
7 two-and-a-half-acre path for transfer and processing
8 operations.

9 The ten-acre site is surrounded by a larger parcel
10 which was the location of solid waste handling and
11 disposal activities conducted by the different company
12 that is no longer involved with the site.

13 Operations conducted by the previous operator
14 include the transfer station, chipping and grinding
15 facility, and a landfill.

16 The prior operator surrendered the permit and
17 ceased operations in 2005. The new proposed facility will
18 be a large volume transfer station only. As a remediation
19 action, Zanker Road Resource Management LTD began cleanup
20 in May of 2007 of large piles of various materials
21 surrounding the site that were left by the prior operator.

22 According to the Sacramento County LEA, this
23 cleanup of the land surrounding the permitted boundary of
24 the new facility should be complete by the end of June
25 2008.

1 The primary service areas identified in the
2 Transfer Processing Report are communities within the 35-
3 to 50-mile radius including portions of Sacramento, El
4 Dorado, Placer, and Yolo Counties.

5 Issuance of the proposed permit will allow: The
6 operations of a large volume transfer processing facility
7 under a new solid waste facilities permit; permitted
8 maximum tonnage of 250 tons per day for the initial phase,
9 then phased step increases of 375 tons per day, and
10 ultimately 500 tons per day as local enforcement agency
11 conditions are satisfied according to an established
12 timeline; types of waste accepted include construction and
13 demolition debris, inert debris, rubbish or
14 non-putrescible solid waste, and approved industrial
15 waste; incidental putrescible waste in accepted loads may
16 not exceed 2 percent by weight on a daily basis; permitted
17 traffic volume of 233 total vehicles per day counted as
18 one-way trips; receipt of waste from 6:00 a.m. to
19 6:00 p.m. seven days per week; and transfer processing
20 permitted area limited to two and a half acres of the
21 permitted 10-acre site.

22 The Sacramento County LEA acting as lead agency
23 under CEQA has provided a finding that the proposed solid
24 waste facilities permit is consistent with and supported
25 by the cited environmental document.

1 Board staff has reviewed that environmental
2 document and the record associated with it and has
3 determined that the environmental document is sufficient
4 for Board's use as a responsible agency. Board staff has
5 determined that all of the requirements for the proposed
6 permit have been fulfilled. Therefore, Board staff
7 recommends Option One, concurrence with the issuance of
8 the proposed permit submitted by the Sacramento County LEA
9 and adoption of Resolution 2008-99.

10 On May 29, 2008, Board staff received several
11 copies of petitions for hearings made to the LEA pursuant
12 to Public Resources Code 44307.

13 The Power Inn Alliance, College Glen Neighborhood
14 Association, and Teichert Land Company claim that the LEA
15 failed to act as required by law or regulation by
16 documenting the negative declaration and proposing to
17 issue the proposed permit.

18 The LEA also received letters of intent to sue
19 from two of these associations. However, Board staff has
20 determined that none of the information that we have
21 received alter staff's recommendation that the cited
22 environmental document is sufficient under CEQA for the
23 Board's use as responsible agency.

24 Michael Bledsoe from the Board's legal staff is
25 present to answer any questions on these matters. Also,

1 representatives of the LEA and operator are present today
2 to answer any questions you may have.

3 This concludes Board's staff presentation.

4 DIVISION CHIEF DE BIE: If I may interject. Board
5 staff did receive copies of correspondence that was sent
6 to the committee and Board members, dated June 6th, and
7 have been reviewing those this morning.

8 One was a letter from Taylor and Wiley; and
9 another was a package from --

10 CHAIRPERSON MULÉ: Diepenbrock Harrison.

11 DIVISION CHIEF DE BIE: Yes. And DH. Right.

12 Soluri, Emrick & Meserve is the other firm. Sorry
13 for scrambling the names. I just wanted to put on the
14 record that we have received those.

15 CHAIRPERSON MULÉ: Thank you. So let the record
16 reflect that Board staff as well as committee members have
17 received several documents, three letters, which we just
18 received about five minutes ago and we're reviewing.

19 So with that, let's -- we have several speakers.
20 I'm just going to call you in order here. Annette -- we
21 do have one question.

22 MEMBER BROWN: I have a question before we have
23 public speakers. The Sacramento County LEA, could I ask
24 you a question.

25 CHAIRPERSON MULÉ: Okay. State your name for the

1 record.

2 MS. TODD: Good morning, Madam Chair and Board
3 members. My name is Lisa Todd with the Sacramento County
4 Environmental Management Department as the LEA.

5 MEMBER BROWN: I just had a question. A lot of
6 the issue that's arisen from the opponent -- opponents is
7 related to the master plan that's under consideration by
8 the City and County. Can you just explain your
9 determination and what decisions you made and how you came
10 to that conclusion relative to the proposed master plan?

11 MS. TODD: The City of Sacramento has worked --
12 the LEA has worked closely with the City of Sacramento
13 throughout the process. Before receiving the application
14 and during the entire process, the application was
15 initially received last May and rejected as incomplete and
16 then resubmitted.

17 MEMBER BROWN: May of '07?

18 MS. TODD: Of '07, correct. It's been a long
19 process and the City of Sacramento and the planning
20 department staff have been to the site. In fact, we've
21 had numerous conversations with them. And they have
22 consistently said that the permit will be consistent with
23 the local use permit.

24 The City did not feel the need to reopen the use
25 permit to revise the use permit for this particular use,

1 and so deferred both the lead agency status for the use
2 permit itself and also defer lead agency to CEQA, thus
3 making us the lead agency for the CEQA.

4 MEMBER BROWN: So the planning department advised
5 you that this facility was still in compliance with their
6 general plan.

7 MS. TODD: Correct?

8 MEMBER BROWN: Do you have that in writing
9 anywhere?

10 MS. TODD: We do have documentation of
11 correspondence and e-mails from the City of Sacramento
12 stating that it was consistent with the use permit.

13 MEMBER BROWN: Okay. I just wanted to make sure
14 that they were. So the City has consistently been telling
15 you that it's consistent with their general plan?

16 MS. TODD: Correct. And they also attended our
17 public meetings, two public meetings, that were held in
18 January of this year and stated the same.

19 MEMBER BROWN: Okay. Because a lot of -- you
20 know, a lot of these issues, as LEA, you have a lot more
21 jurisdiction over making adjustments to use permits and
22 everything relative to use in your conditional permits.
23 And so I just want to make sure that your permit
24 conditions, if there are issues for a future use that's
25 being contemplated, permit conditions can be put in for --

1 that taken into consideration. Can it not?

2 MS. TODD: Well, again we've consulted with the
3 City of Sacramento and during this process, we were
4 consistently informed that the permit was consistent with
5 the use permit. The City of Sacramento planning director
6 received a copy of the proposed permit and the transfer
7 processing report back in 2007 when it was initially
8 submitted.

9 There's been ample opportunity for the City of
10 Sacramento to comment on this, and we have received no
11 indication from the City through this process and through
12 approval of the negative dec that it was inconsistent with
13 the use permit.

14 MEMBER BROWN: Okay. Thank you very much for
15 addressing that. I appreciate that.

16 CHAIRPERSON MULÉ: Thank you.

17 DIVISION CHIEF DE BIE: If I may. Sorry.

18 Just in that exchange between Board Member Brown
19 and the LEA, a CUP was mentioned and I did hear Lisa say
20 that she had confirmation that it's complied with the CUP.
21 But Member Brown, you brought in the general plan. And I
22 did hear Lisa say that she understood they were in
23 compliance with the general plan.

24 And I just ask Lisa, there is a distinction
25 between CUP and general plan.

1 MEMBER BROWN: Yes. I realize that.

2 DIVISION CHIEF DE BIE: So if you would just like
3 to, Lisa -- whether she heard both or just the one,
4 because she keeps saying CUP over and over and not
5 necessarily general plan.

6 MEMBER BROWN: My question was related to the
7 consideration of the future general plan and whether the
8 City felt in consideration of that, for future use in the
9 area. That's what the general opposition has been, is
10 that this use is not consistent with the future usage of
11 the area, being contemplated by the city council. And you
12 have told me, I understand, the planning department feels
13 that this is consistent with what is being considered as
14 part of the future general plan.

15 MS. TODD: Maybe I should clarify that. The City
16 staff has indicated it's consistent with the current plan,
17 general plan, for the City of Sacramento and the current
18 use permit. And in terms of draft or possible future uses
19 or possible amendments to the general plan, we couldn't
20 make that determination.

21 MEMBER BROWN: It's not appropriate, right,
22 because it's not been voted on.

23 MS. TODD: Correct.

24 CHAIRPERSON MULÉ: It's being contemplated. The
25 general plan is in the process of being updated.

1 Therefore, those future land uses have not yet been
2 determined.

3 MS. TODD: Exactly.

4 MEMBER BROWN: Okay.

5 CHAIRPERSON MULÉ: All right. Let's move to our
6 speakers. Thank you, Chair Brown and Lisa.

7 Annette?

8 MS. DEGLOW: Thank you for this opportunity to
9 address the Board. I am the president of the College Glen
10 Neighborhood Association, and I am here representing the
11 4,500 College Greens number of residents housed adjacent
12 to this project.

13 We request that the negative dec and the draft
14 permit be cited as inadequate and a violation of the CEQA.
15 We believe that the draft permit fails to meet minimum
16 standards, that it does not adequately address the
17 environmental issues such as traffic, parking, fuel
18 emissions, litter control, odor, dust control, hazardous
19 waste, drainage control, maintenance, personal health, and
20 safety, and noise to name a few.

21 The draft permit is insensitive to the land use
22 issues and is in direct conflict with the Sacramento solid
23 waste policies and zoning regulations. The draft permit
24 does not cover the whole action.

25 Our community is especially disturbed by the fact

1 that Zanker came to us, asked to come to our meetings,
2 made repeated presentations to our neighborhood
3 association, claiming that they would limit all other
4 activities to recycling, they were -- they would never
5 open the landfill.

6 You have before you a copy of my materials for the
7 day. I also want to insert here that I think it is not
8 incumbent upon a neighborhood to do all the research on
9 this, but our neighborhood research found that they were
10 advertising as a public landfill for 4201 Florin Perkins.
11 You will find a one-quarter page ad under "dump" on page
12 497; a one-quarter page ad under "garbage," page 599; and
13 a one-quarter page add under "landfill," page 471 of the
14 Real Yellow Pages.

15 According to the AT&T advertising department,
16 these advertisements are costing over \$1,100 each. That
17 means that Zanker would have us believe that they are
18 willing to pay more than \$41,000 a year to advertise for a
19 service they have no intention of providing.

20 It's our position that the applicant was not
21 forthright with either the community or those who are
22 processing the EIR documents. Their actions were
23 deceptive, and the review process was deficient and
24 inadequate in that it did not cover all of the actions.

25 The association respectfully disagrees with the

1 conclusion of the County Environmental Management
2 Department that the operation of a large volume transfer
3 station and material recovery facility project will not
4 have a significant impact upon our neighborhood. The
5 General Services for the Sacramento City conducted --
6 acknowledged to us in 2005 that there was an
7 overconcentration of waste processing in our neighborhood,
8 that that overconcentration was having an adverse impact
9 on our community. It is our position that any increase in
10 solid waste would be significant in our community.

11 The association requests that the negative dec
12 draft permit be rejected as inadequate and a full
13 environmental review be conducted. In closing, we would
14 ask that these comments, all of the documents that we have
15 submitted, be attached to any environmental documents that
16 go forth from here.

17 We don't consider that an open-air facility is
18 consistent with the City's general plan. It isn't
19 considered with the past one. Our research and the
20 documents that we found said that all of these facilities
21 would be enclosed. They have no intention of enclosing
22 them. They are not being asked to hold to the standards
23 of others in the area.

24 And again, our neighborhood has set forth its
25 objections and we continue -- we plan to continue to set

1 forth our objections.

2 Thank you.

3 And I would be happy to answer any questions that
4 you might have.

5 CHAIRPERSON MULÉ: Thank you. Do we have any
6 questions for this speaker?

7 Let's move on. Jerry Vorpahl.

8 MS. VORPAHL: Good morning. I am Jerry Vorpahl,
9 the executive director of the Power Inn Alliance. We're a
10 business improvement district in this area representing
11 over 600 business and property owners. We have sent and
12 worked very hard, since 1999 when this permit was issued,
13 to maintain some very high standards for the solid waste
14 industry in our area, particularly transfer stations.

15 We do everything from impose benefit fees to fully
16 enclosed facilities for transfer stations. If you drive
17 by any of our transfer stations today, such as Sacramento
18 Recycling or Allied Waste Industries, you will wonder if
19 you haven't seen them before. They may be a technology
20 company. They may be an office building. They certainly
21 look nothing like they did before, when we used to call
22 them "dumps."

23 And as a matter of fact, we have a dinner of 450
24 people every year inside one of these facilities, and it's
25 one of our grand efforts that we have. We're proud of

1 this industry in our part of city.

2 We have over 90 percent of the solid waste
3 recycling and transfer industries where we reside. This
4 facility is not being required to maintain or stick to any
5 of the standards that we have worked with for other parts
6 of the industry.

7 Now, we have identified, and Annette has recited,
8 six major deficiencies in the state minimum standards that
9 needs to be addressed. We have filed an appeal with LEA
10 asking for a hearing, and we have filed for a writ of
11 mandate with the California Superior Court, demanding that
12 this have a full EIR, not a CEQA document. We found 58
13 deficiencies in the CEQA document itself by three major
14 law firms specializing in environmental issues, and lo and
15 behold, they were found that there wasn't one that held
16 water in all the 58 that we found in the negative
17 declaration that was issued.

18 We're just asking for a continuance while we have
19 an opportunity to exhaust our administrative remedies both
20 with the appeal, with the LEA, and with the California
21 Superior Court, rather than pushing this ahead. And we
22 feel that this is only right and fair as indicated by law
23 under CEQA that we be given this opportunity to exhaust
24 administrative remedies before a permit is issued.

25 As I said, we are proud of this industry. We need

1 this industry in our area. The city needs this industry.

2 We do not need another dump.

3 And we appreciate your consideration.

4 Thank you.

5 CHAIRPERSON MULÉ: Thank you. Our next speaker is

6 Craig Wilson.

7 Question?

8 MEMBER BROWN: Maybe Elliot or Michael wanted to
9 respond to the speaker's request relative to our authority
10 for a continuance in this permit.

11 LEGAL COUNSEL BLEDSOE: Very briefly. Thank you.

12 Yes, there's nothing in our statutes that
13 provides -- or in CEQA, for that matter, that provides for
14 the Waste Board or the LEA to stop its process while CEQA
15 litigation is considered.

16 In fact, the CEQA really provides the opposite.
17 Under Section 21167.3 of the Public Resources Code, a
18 responsible agency, which is what we are in this case,
19 must treat -- when there's CEQA litigation, must treat the
20 environmental document as if it is acceptable, and unless
21 there's a stay issued by the court, we proceed with our
22 normal process while the lead agency and the real party in
23 interest fight the CEQA fight at the court. And
24 ultimately, the court will rule on whether the CEQA
25 document is adequate.

1 MEMBER BROWN: And relative to our limited
2 authority, we're required to act in that time frame, and
3 our failure to act would be an issuance of concurrence on
4 the permit by failure of actions.

5 LEGAL COUNSEL BLEDSOE: That's correct. If we
6 fail to act within 60 days from receiving the proposed
7 permit, the permit is deemed to have been concurred.

8 MEMBER BROWN: Concurred.

9 CHAIRPERSON MULÉ: Thank you for that
10 clarification.

11 Okay. Next speaker is Craig Wilson.

12 MR. WILSON: Good morning, members of the Board,
13 staff.

14 For the record, my name is Craig Wilson. I'm an
15 attorney here in Sacramento. I represent the owner of
16 this site which the facility would operate under. The
17 owner is strongly in support of issuance to the permit in
18 this matter.

19 Just a couple of brief comments to amplify the
20 remarks that we made in a letter submitted to the Board on
21 June 9th.

22 First, I would just submit that the LEA conducted
23 a very thorough review of this matter. You know, there
24 was opposition. They went through their cast very
25 thoroughly, and the result was a permit that contains 27

1 special conditions. I compared that permit with some of
2 the other permits for landfills -- or excuse me, transfer
3 stations in the area, and this permit contains many more
4 conditions than other similar permits in the area.

5 Regarding CEQA, I would concur with the comments
6 of your counsel regarding your responsibilities versus the
7 responsibilities of the lead agency. And in fact, in this
8 case, I think the LEA went the extra mile. There were
9 existing environmental documents up for this project, and
10 I don't think they were even required to do the review
11 that they did, but they did go the extra mile. They
12 prepared another analysis; they had additional studies.
13 Again, they issued a negative declaration which I feel was
14 supported by substantial evidence in the record.

15 A word about the operator. As some of you may
16 know, there was some history with this site and some of
17 the prior operators. When I was hired by the landowner in
18 this matter, one of the first charges to me is to find an
19 operator who is responsible, well-respected, in the state.
20 And we feel we've done this with Zanker Road Resources
21 Management. They have done an outstanding job cleaning up
22 some of the legacy issues at the sites and just a yeoman
23 job in helping put this permit together.

24 Just a couple of comments on some of the remarks
25 you heard from other speakers. You know, the neighborhood

1 association, I'm not sure that they are adjacent to the
2 landfill. I think they are more than a distance which I
3 would call adjacent.

4 It's important to recognize, the footprint of this
5 facility is something like two and a half acres and 10
6 acres of a hundred-plus acre facility. You cannot see it
7 from the road. The impacts really will be minimal, and
8 the 27 special conditions are more than adequate to
9 mitigate matters.

10 Some of the comments of the Alliance, I think, are
11 just flatly disingenuous. To call this facility another
12 dump is just absolutely incorrect, legally. It's a
13 transfer station. And I think to say otherwise is just
14 incorrect.

15 The Alliance is supposed to be promoting
16 businesses, and yet, they were saying, "Hey, we just want
17 a level playing field here." I pulled the permits; I
18 compared some of the permits in the area. If anything,
19 Zanker has a reason to complain that they have been
20 conditioned more than other facilities in the area -- have
21 to go the extra mile -- but they are willing to comply.
22 They are willing to step up to the plate.

23 The landowner strongly supports issuance of this
24 permit.

25 Thank you very much.

1 CHAIRPERSON MULÉ: Thank you. Chair Brown?

2 MEMBER BROWN: A quick question for you. And I'm
3 not sure you can answer this or if the operator is going
4 to need to answer this. But do you know what the
5 diversion rate will be in this facility? Do you have any
6 anticipation? And where it's going? Where do you
7 anticipate the materials are going?

8 CHAIRPERSON MULÉ: Could you come up to the
9 microphone and state your name for the record, please.

10 MR. PEREIRA: Hello. My name is Abel Pereira, the
11 operator of the facility.

12 We're going to be primarily processing
13 construction and demolition debris. We keep being
14 referred to as a transfer station. We're going to be more
15 of a processing facility, a recycling facility. We just
16 fall into that category of a transfer station. Our
17 intention is to be a certified facility under the future
18 C&D ordinances for the City and the County and the various
19 cities and jurisdictions in the region.

20 In order to be so, we have to be -- depending on
21 the ordinances, there could be 50 percent to 60 percent
22 diversion rate. Our minimum goal for this project is
23 50 percent diversion. The materials are going to be going
24 to recycling facilities for further processing. Any
25 residue material will be shipped off-site to a proper

1 landfill for disposal.

2 MEMBER BROWN: Okay.

3 MEMBER PEACE: You know, people keep mentioning
4 that they don't want a dump. They don't want a landfill.
5 And even though you are getting a full solid waste
6 facilities permit for a transfer station, you are
7 really -- you are mostly going to be a C&D processing
8 facility because you are very limited in the things that
9 you can take.

10 Can you tell me why you decided, then, to get a
11 full solid waste facilities permit rather than a C&D
12 permit?

13 MR. PEREIRA: In order to process C&D debris, from
14 our experience, you need a full solid waste facility
15 permit just because of the residue factor involved. If it
16 was a pure recycling facility, we would be exempt from the
17 solid waste facility permit process. But we are -- and
18 plus, we're going to be allowed to accept 500 tons per
19 day, which makes us a large volume facility which requires
20 a full solid waste facilities permit.

21 MEMBER PEACE: But you are still going to be
22 limited. Here in your permit, you are limited to
23 construction demolition debris, inert debris, and the
24 rubbish. Is that just because of what might be mixed in
25 with some of the rubbish?

1 MR. PEREIRA: Roughly, we're going to be taking --
2 accepting delivery boxes from construction and demolition
3 sites.

4 MEMBER PEACE: There's a lot of different stuff
5 mixed in there that you have no control over.

6 MR. PEREIRA: Yes. We're going to be accepting --
7 you know, individuals who are doing remodeling through
8 their homes or cleaning out their garage. We're going to
9 be taking that type of material. We've been processing
10 this sort of material for close to 20 years now, and our
11 San Jose operations have been very successful in it.
12 We're achieving 85 percent diversion rate between our two
13 facilities in San Jose.

14 MEMBER PEACE: Also, your permit says you can take
15 industrial waste.

16 MR. PEREIRA: Industrial waste -- it could be a
17 mix of metal, cardboard. Anything -- it has to be approved
18 by the LEA, of course. We don't want to -- we won't be
19 taking too many inert debris, too much concrete. We're
20 going to focus more on the mixed load categories.

21 We're -- the City of Sacramento, this whole area
22 is in dire need for a mixed construction/demolition debris
23 processing. We're working with the Waste Board, their
24 Marketing Development Sector, part of the C&D Task Force,
25 under that group. And we're working on establishing

1 ordinances in all the different jurisdictions here and
2 also to establish certified facilities for processing this
3 type of material.

4 CHAIRPERSON MULÉ: Thank you.

5 Chair Brown, you had another question?

6 MEMBER BROWN: I will wait.

7 CHAIRPERSON MULÉ: Oh, okay.

8 Any other questions?

9 MEMBER PEACE: I just wanted to make it clear that
10 even though this facility is getting a full solid waste
11 facilities permit for a transfer station, their permit is
12 very limited into what they can take. They can't be
13 taking -- some transfer stations do take mixed loads of
14 garbage. This is not what this permit is allowing. Even
15 though they are getting a full permit, the permit does
16 limit them to just construction and demolition debris,
17 inert debris, and a small amount -- 2 percent
18 putrescible -- amount of stuff that would be thrown into
19 those construction boxes at which they would have no
20 control over. And those, I think, in the permit, said it
21 has to be shipped off within, you know, 48 hours. Within
22 48 hours, it has to be shipped off. So it really is a
23 recycling facility.

24 MR. PEREIRA: Yes. We just fall into the transfer
25 station category.

1 CHAIRPERSON MULÉ: Right. We got it. Thank you.

2 Appreciate you being here.

3 Jim Wiley is our next speaker.

4 MR. WILEY: Good morning, committee members and
5 Chair Mulé.

6 Jim Wiley with Taylor and Wiley on behalf of
7 Stonebridge Properties which is a subsidiary of Teichert,
8 who is a landowner of adjacent property.

9 We have submitted a letter which hopefully you all
10 have a copy of that, and I'm going to be referring to an
11 exhibit in that letter, which has a map at the end of it
12 that shows where the properties are located.

13 The map looks like -- if everyone sees this
14 exhibit that shows where the land -- or where the solid
15 waste facility permit is being applied for and where
16 Teichert holdings are. And in a minute, I will get into
17 what the different colors on the land use map are.

18 As our letter indicates, Teichert owns
19 approximately 4,000 acres along the Jackson Highway
20 corridor including lands that are adjacent to the property
21 north and east of the property. As you have already
22 alluded to, the City of Sacramento is currently going
23 through a general plan update, and these properties, as
24 depicted on this exhibit, are designated for residential
25 right next to this facility.

1 And our primary concern is the interface of these
2 uses in the future. And we believe that the negative
3 declaration was in error when it did not analyze these
4 reasonably foreseeable land uses that are being planned
5 next to the property.

6 And that was -- based on the comments of the LEA,
7 I want to hand in, or hand to you a memorandum that was
8 provided as part of that negative declaration process,
9 where the City of Sacramento Planning Department commented
10 on the adequacy of the negative declaration.

11 CHAIRPERSON MULÉ: You can hand it to Donnell, and
12 she'll bring it up to us. I don't know if we have enough
13 copies for staff. We don't?

14 MR. WILEY: It is in the actual overall package,
15 but we pulled it out, and we did have the opportunity to
16 meet with a couple of the members of your staff.

17 And I'm just going to highlight two parts of that:
18 The memorandum is from Tom Case, Long-Range Planning
19 Manager for the City of Sacramento; and in the third
20 paragraph, it says, "Proposed landfill project is not
21 consistent with the draft 2030 General Plan Land Use
22 designations, which are expected to be formally adopted by
23 the council in the winter of 2008."

24 CHAIRPERSON MULÉ: Question: Were they adopted?

25 MR. WILEY: Beg your pardon?

1 CHAIRPERSON MULÉ: Were they adopted?

2 MR. WILEY: They have adopted a preferred
3 alternative by the city council that is now in
4 environmental review, which makes it very -- it makes it
5 reasonably foreseeable.

6 CHAIRPERSON MULÉ: But they have not adopted it?

7 MR. WILEY: They have not adopted it.

8 CHAIRPERSON MULÉ: That's all I was asking.

9 MR. WILEY: Under CEQA, you need to look at
10 reasonably foreseeable projects. So if we have a project
11 that we have applied for and we're going through the
12 process and somebody else applies for something adjacent
13 to us, we have to look at that if that occurs in an
14 appropriate time.

15 And then I just brought this up. We're not going
16 to -- unless you want to see this, this is the general
17 plan update that is going through environmental review,
18 and I don't believe this to be speculative, which was the
19 response to the City in the environmental document.

20 As far as your authority, Section 17202 of
21 California Code of Regulations provides, the purpose of
22 this whole process is to promote health and safety for the
23 purpose of the people of the state of California. And we
24 believe that by ignoring this, you are setting up a
25 situation where you are not taking care of the people that

1 will be living next to this facility in the future.

2 And more specifically, and this is in the letter,
3 Section 17406.2(b) provides, "The design shall be based
4 upon appropriate data regarding" -- and then there's a
5 number of things and it includes physical settings,
6 adjacent land uses, and in parentheses, existing land
7 plan. And this is a plan that's moving forward.

8 LEA ignored what was in this plan, and in the
9 response said that it was too speculative. Without
10 considering off-site impacts to these future land uses, we
11 believe that you cannot concur with this as it has been
12 provided by the LEA. The state minimum standards will not
13 be met.

14 In our letter, we put -- we believe that you
15 should object to the issuance, but if you are now going to
16 go to that level, we have provided two alternative
17 conditions that you should consider as you bring this back
18 to the full board. Those conditions are to look at a
19 program to address future nuisance compatibility issues
20 with the facility, which they would work out with the LEA
21 over time; and the second deals with noise to make sure
22 that noise standards meet the city code requirements of 55
23 decibels at residentially-zoned properties when that
24 occurs in the future.

25 Right now, they have that requirement that they

1 have to meet the city standards. We just want to make
2 sure that it applies in the future when those are changed.

3 Again, we believe that the Board should not
4 approve this, and object to it, and send it back to the
5 LEA to have the appropriate CEQA analysis. In
6 alternative, we would ask that you look at those
7 conditions and ask your staff and the LEA and the
8 applicant to work -- to come up with appropriate
9 conditions between now and the full Board agenda. I would
10 be happy to answer any questions.

11 And if you'd like, I could walk through what we
12 propose in that language, but I think it's probably more
13 appropriate for you staff to look at that.

14 CHAIRPERSON MULÉ: Okay. Thank you.

15 We do have a question from Board Member Peace.

16 MEMBER PEACE: Jim, you talked about this general
17 plan, the 23 general plan. Do you know how many homes are
18 contemplated in that?

19 MR. WILEY: It's medium density, so it's going to
20 be around ten units to the acre, and that will actually go
21 through a specific plan development, so the actual
22 densities will be determined as part of that.

23 But it's clear, in this general plan, that
24 residential is going to be in this area.

25 MEMBER PEACE: So it's --

1 MEMBER BROWN: At what point?

2 MEMBER PEACE: How --

3 MEMBER BROWN: What year?

4 MR. WILEY: Five to ten years from now.

5 MEMBER PEACE: Starting at five to ten years from
6 now?

7 MR. WILEY: Yes.

8 MEMBER PEACE: You are saying it will take -- if
9 the plan is approved, then the build out will take over
10 five years, ten years?

11 MR. WILEY: Probably ten years.

12 MEMBER PEACE: You are talking twenty years from
13 now.

14 I guess my concern is, this is in the future. And
15 then you said you have concern for the interface with this
16 facility for what you are doing.

17 And I guess from where I sit, this sounds like a
18 beautiful interface because it's a C&D facility that's
19 going to recycle all that construction and demolition
20 debris that you are going to have to deal with as these
21 new homes are built. I mean, it sounds like a beautiful
22 interface.

23 And just because, I mean, in 20 years from now,
24 when all the homes are built, who is to say that this
25 facility is going to say, "Hey, there's not enough

1 business. I need to move somewhere else."

2 MR. WILEY: And if there was a provision that
3 provided for the phaseout of the facility, that would make
4 us comfortable. It's -- 20 years from now, if you have
5 odors and noise coming from this facility, litter that
6 blows off the facility site, or esthetics that have not
7 been addressed appropriately, there's going to be
8 interface problems.

9 MEMBER BROWN: Let me ask you a hypothetical
10 question. We haven't talked about this. But we talked to
11 the executive director of the Neighborhood Alliance, came
12 and talked about the high standards of all the businesses
13 in this area. As a business owner in this area, how would
14 you feel if you were conditioned for a possible future
15 activity that you had to provide for today, that's not
16 contemplated or voted on by the city council, but you have
17 to comply with for the next 20 possible years, when that
18 hasn't even been voted on -- as a business owner, if it
19 were an onerous requirement to go above and beyond what
20 the law required?

21 MR. WILEY: And that is the dispute. We believe
22 the law requires it, because CEQA requires you to address
23 reasonably foreseeable --

24 MEMBER BROWN: But that's not my question.

25 We're taking into consideration right now a

1 business and what our laws require and what we're required
2 to do as a state agency. If you're a business owner and
3 we require you to go above and beyond what our
4 jurisdiction was, how would you feel as a business owner
5 having to comply with things that are not even voted on?

6 MR. WILEY: But if it's reasonably foreseeable and
7 we are required by law to look at that in our
8 environmental document, we would proceed in that fashion
9 and have it under jurisdiction.

10 MEMBER BROWN: And you would build buffers around
11 all of the Teichert operations so that there's visible
12 barriers between you and every business around you for
13 your operations and everything --

14 MR. WILEY: We're already required to do that even
15 when there's not residential adjacent.

16 CHAIRPERSON MULÉ: Okay. Any other questions?

17 Thank you, Mr. Wiley.

18 Our final speaker is John Reed.

19 MR. REED: Good morning. My name is John Reed. I
20 represent Sacramento County LEA. I will be mercifully
21 brief. I had intended to appear this morning to address
22 the continuance request which I received this morning on
23 behalf of Power Inn Alliance.

24 Mr. Bledsoe has stolen my thunder, so I would
25 simply be repetitive of his comments and I will withdraw

1 my request to speak.

2 CHAIRPERSON MULÉ: Okay. That's it for our
3 speakers.

4 Do we have any questions or comments for staff or
5 the LEA before we break?

6 MEMBER BROWN: I do, actually. I mean, you know,
7 we've heard a lot -- and I certainly understand the
8 opponents' frustration and, you know, desire to maintain
9 their high standards in the area, and I think we would all
10 like to do that.

11 From what the operator says, they have agreed to
12 27 conditions for this permit which does go well beyond
13 what some of the other facilities in the area are
14 required. I think there is a general misunderstanding
15 about what's going to be happening at this location, and I
16 think one of our speakers held up an advertisement from
17 the telephone book, which, you know, I think it's
18 unfortunate in our industry that people just don't
19 understand what a processing facility is or a recycling
20 facility, that they have to advertise it as a dump or as a
21 landfill in order for people to understand where to take
22 their materials.

23 And California leads the nation in recycling.
24 We've achieved 54 percent, and we're looking beyond to get
25 to the next 46 percent of recycling.

1 This facility is a facility in part of our network
2 designed to go beyond 54 percent to look at materials that
3 need to be recycled that are highly recyclable. This is
4 construction and demolition material which we've targeted,
5 as a board, as one of our target areas, to look at
6 construction and demolition materials.

7 And I think Member Peace was right in saying, as
8 the housing boom in California continues to grow, we need
9 more and more of these types of facilities. I think that
10 it's unfortunate that this operator is having to follow in
11 a -- the footsteps of a negligent operator prior to them.
12 But we've got a new team on the court. And we've got a
13 new opportunity to upgrade the standards by which we look
14 at recycling facilities here in California. And you know,
15 we are going to be watching what you are doing.

16 We want to maintain that high standard, and I
17 think that the neighborhood alliance would like you to
18 maintain that high standard that you have shown in other
19 areas where you operate the facilities. We're looking at
20 this as a network to move the waste stream out of the city
21 and increase Sacramento's diversion rate as far as
22 statewide diversion.

23 There are permit conditions here. Less than
24 2 percent would be putrescible, you know, stuff. It
25 always needs to be moved within 48 hours, so it's not

1 going to be sitting on the property. We're looking at a
2 processing facility, not a landfill. So I think that that
3 needs to be emphasized. And thank you for stepping up and
4 trying to increase Sacramento's diversion rate and looking
5 for a difficult material to try and recycle.

6 So anyway, we'll be out to tour what you are doing
7 in a very short time.

8 CHAIRPERSON MULÉ: Thank you, Chair Brown.

9 Board Member Peace, do you have any comment?

10 Just very quickly, I want to concur with
11 everything Chair Brown just said. I mean, we're having
12 trouble permitting these kinds of facilities around the
13 state, not just here in the Sacramento area. It's a
14 difficult process at best. And as we've been discussing,
15 if we have in place the restrictions and the
16 regulations -- if we had those in place 20 years ago, when
17 AB 939 was first passed, we wouldn't have the recycling
18 infrastructure that we have today.

19 And so having these regulations, at least in my
20 mind, ensures that this facility, as others, will operate
21 to the highest environmental standards possible. They
22 have additional conditions placed upon them that other
23 facilities in their area do not.

24 And again, as Chair Brown said, we'll be watching.
25 You're right down the road, so we're not far. We'll be

1 watching to make sure you are doing what you are doing.

2 I've been to the Zanker facility in San Jose.

3 They do a great job. They do very well in terms of their
4 recycling. They try to divert and they do divert as much
5 as possible with as little going into the landfill as
6 possible.

7 This is not a landfill facility. It is not a
8 landfill. It is a processing facility for primarily C&D
9 recycling -- C&D materials.

10 And the other thing I just want to mention is as
11 far as the general plan goes, I know that the City is in
12 the process of updating their general plan, but that plan
13 has not been approved so we cannot base our decision on
14 something that might occur. We have to base our decision
15 on what is here today before us in terms of the City's
16 general plan. And it's really not -- I mean, that's what
17 the LEA has to look at as well, is what's currently
18 happening with the City. So we can anticipate and guess
19 all we want, but we just don't know what the future will
20 hold.

21 So that's it.

22 I just want to, again, thank everybody for all
23 their hard work on this. Our staff did a good job on this
24 as well as the LEA and everybody else.

25 And we do have a comment from our legal counsel.

1 Michael?

2 LEGAL COUNSEL BLEDSOE: Thank you, Madam Chairman.

3 I would just like to comment really briefly on this land
4 use compatibility issue that the project proponents have
5 raised. I think it's perfectly reasonable for the LEA and
6 for the Waste Board to have relied on the permit
7 conditions that the LEA proposed on the permit and on
8 other -- the existence of other state minimum standards
9 regarding noise, dust, odor, and traffic impacts, etc., as
10 a way to assure itself that there will not be a land use
11 compatibility problem in the event that the Teichert land
12 is ultimately developed for residential uses.

13 And just to assure the concerned citizens and
14 businesses that the LEA has a very strong enforcement
15 process that it will be inspecting the facility every
16 month, at the very least, and we'll take enforcement
17 actions if there are nuisances, odors, litter, etc., that
18 are created. So we do have that enforcement process in
19 place to assure that there's not a land use compatibility
20 problem in the future.

21 CHAIRPERSON MULÉ: Thank you very much for
22 bringing that up. That's a very good point. Again, these
23 are highly regulated facilities. I mean, they are
24 inspected every month.

25 So very good point. Thank you, Michael.

1 Any other comments?

2 MEMBER PEACE: No. I was just going to say, I did
3 go out to the site and I don't know if anybody in here has
4 been out to the site to see what it looks like now
5 compared to what it looked like several months ago. I
6 mean, they have done a tremendous cleanup of this site.
7 And again, it's two-and-a-half-acre pad within a 10-acre
8 approved site with -- and in the middle of over a hundred
9 acres.

10 So, you know, I can't really see where it's going
11 to be that big of an impact. I mean, the fact -- like I
12 said before, it's going to be just a real benefit to the
13 community especially as they build out these
14 neighborhoods.

15 CHAIRPERSON MULÉ: Okay. Do I have a motion?

16 MEMBER PEACE: I would like to move Resolution
17 2008-99.

18 MEMBER BROWN: Second.

19 CHAIRPERSON MULÉ: It was moved by Member Peace,
20 seconded by Chair Brown.

21 Donnell, please call the roll.

22 EXECUTIVE ASSISTANT DUCLO: Brown?

23 MEMBER BROWN: Aye.

24 EXECUTIVE ASSISTANT DUCLO: Peace?

25 MEMBER PEACE: Aye.

1 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

2 CHAIRPERSON MULÉ: Aye.

3 Okay. We will put that item on consent.

4 Thank you all for being here.

5 Our next item is Committee Item E. Ted?

6 PROGRAM DIRECTOR RAUH: Yes. Thank you, Chair
7 Mulé.

8 The next item, Item E, is requesting the Board
9 approval of eight grants totaling \$455,265 from the Farm
10 and Ranch Cleanup Account for the fourth quarter of fiscal
11 year 2007/08 for the Farm & Ranch Solid Waste Cleanup and
12 Abatement Grant.

13 We have seven traditional grants and one
14 innovative approach we'll be talking to you about today,
15 and to make the presentation is Carla Repucci.

16 Excuse me. We have a less attractive replacement
17 today. Scott Walker is up here.

18 BRANCH MANAGER WALKER: Scott Walker, Cleanup
19 Branch. Carla is in Hawaii right now.

20 MEMBER BROWN: How in the world did you let that
21 happen?

22 BRANCH MANAGER WALKER: She's probably not
23 thinking about this right now, I can tell you that much.

24 (Thereupon an overhead presentation was
25 presented as follows.)

1 BRANCH MANAGER WALKER: Again, this item is the
2 consideration of grant awards for the Farm and Ranch Solid
3 Waste Cleanup Program on -- including Imperial County
4 pilot project. This is the fourth and last cycle of
5 fiscal year 2007/2008.

6 --o0o--

7 BRANCH MANAGER WALKER: Just a very brief
8 overview. We're going to have update of the criteria for
9 the program. We hope to do Item 6 next.

10 Farm and Ranch Grant Program accomplished in 1997
11 by SB 1330, updated by SB 1328 in 2002. And again, it's a
12 continuous grant program up to \$1 million per year for
13 cleanup of farm and ranch properties where the owner is
14 not responsible for the dumping.

15 Grantees may include cities, counties, resource
16 conservation districts, tribes. And the limitations are
17 up to \$50,000 per site and \$200,000 per agency, per
18 applicant, per year.

19 Eligible activities -- remove solid waste, tires,
20 household hazardous waste, site security, fencing, gates,
21 signs, erosion control, and restoration. Also, public
22 education on this slide, and there's a 7 percent admin cap
23 in statute.

24 This program is important in the Board's efforts
25 to combat illegal dumping and including addressing

1 Strategic Directive 8.9, and we have had to date about
2 \$4.83 million awarded in 115 grants. And so that's a
3 brief summary of the overall summary of the program.

4 --o0o--

5 BRANCH MANAGER WALKER: For this fourth cycle, we
6 had -- again, as Ted mentioned, we have seven applications
7 that we're recommending award that are the normal grant
8 application. And under the program, then, we have
9 Imperial County pilot project. That is different. We'll
10 talk about that a little bit more.

11 I would like to say that, you know, as far as
12 these seven applications that we are recommending, we have
13 Mendocino County Solid Waste Management Authority;
14 Sloughouse Resource Conservation District, Sacramento
15 County; Sutter County Resource -- RCD; Yolo and Yuba RCD;
16 and then two applications from the Western Shasta RCD.

17 We did pretty good this year. We did better than
18 last year as far as utilization -- about 90 percent of the
19 available funds. We've been pretty much above 90 percent
20 the last four out of five years. Last year was kind of
21 light. We were about half last year, but we are back up
22 again this year.

23 I would be happy to go into more details on these
24 other applications. I believe we have the applicants -- I
25 don't know. We may have -- Mendocino Solid Waste

1 Management Authority may not have been able to make it. I
2 know the others -- Imperial County is here today to answer
3 questions.

4 --o0o--

5 BRANCH MANAGER WALKER: Now to the Imperial
6 County -- the New River pilot project. In cooperation
7 with the County, the Board's CHP aerial surveillance
8 contract under the Waste Tire Program, back -- it was last
9 March I believe, they targeted the New River area and they
10 identified a really large number of new sites not
11 previously identified, illegal dumping sites.

12 There's approximately 47 that were identified at
13 that time. And very early on, we, staff, had identified
14 this as an area that's worthy of a collaborative to really
15 target areas at combating illegal dumping. And this is
16 actually built into our implementation of Strategic
17 Directive 8.9.

18 And the Strategic Directive 8.9, in December, you
19 may recall, we presented the implementation basically to
20 provide the Board with statutory and funding options to
21 enhance local and regional capabilities to prevent and
22 redress illegal dumping. And this was part of -- New
23 River collaborative was part of this effort, and at that
24 time, we identified potential ways through the Farm and
25 Ranch Program, we may be able to particularly help with

1 the New River area.

2 And what was identified at the time was a master
3 agreement approach that we might be able to use up front.
4 Because of this particular jurisdiction and what they were
5 faced with, the normal application process was difficult,
6 at best, for them to utilize in the maximum extent that we
7 could do to -- the clear number of sites that were
8 identified.

9 So we did work with the applicant, Imperial
10 County, both the local LEA and the waste tire enforcement
11 grantees. So it was a very good fit, and they did
12 submit -- again, with some funds left over at the end
13 cycle, we felt this was be an appropriate option to
14 utilize these funds in a manner that was authorized under
15 the program, but different from the normal application.

16 And the County had requested \$194,000 -- \$194,800.
17 Essentially, they have targeted 15 sites. They have
18 some -- basically, some basic information. They have seen
19 the sites; they have estimated the waste; they are farm
20 and ranch properties. But in these particular cases, they
21 have given property owners notices to abate, but what they
22 request you do in this is to use this as leverage with
23 property owners for reimbursement of specifically eligible
24 activities under this program to leverage this, to gain
25 actions by these private property owners.

1 Now, the way this works is, this is an up-front
2 grant with the preliminary information, but they are going
3 to have to provide all the final documentation including
4 the signed affidavit verifying that the property owner is
5 not responsible for the dumping. They are going to have
6 to make sure that the activities requested for
7 reimbursement clearly meet program eligibility. We will
8 have that signed off by the program director. If anything
9 is not clearly eligible, we will inform the applicant that
10 this will have to come back to the Board probably in a
11 separate application. And so this is an option that will
12 increase flexibility in order to tailor to this particular
13 applicant something that we feel will be very useful in
14 their particular illegal dumping problem.

15 --o0o--

16 BRANCH MANAGER WALKER: And again, in the criteria
17 item, we will talk a little bit more about some of the
18 issues in the program. But that would conclude staff's
19 presentation.

20 We would recommend approval of the proposed grant
21 awards under the Farm and Ranch Cleanup Program, and
22 adoption of resolution No. 2008-108.

23 And we have a separate resolution we're requesting
24 approval, and that's for the Imperial County pilot
25 program, which is resolution 2008-109.

1 Thank you.

2 CHAIRPERSON MULÉ: Thanks, Scott.

3 We do have one speaker. Terry Leveille, and then
4 we'll take questions from the committee members.

5 Good morning.

6 MR. LEVEILLE: Good morning, Chair Mulé and
7 committee members.

8 Terry Leveille on behalf of the TL & Associates
9 representing the California Tire Dealers Association.

10 Whenever I always hear the Farm and Ranch Program,
11 it kind of perks my ears up especially when Scott gives
12 the presentation because he always likes to talk about it.

13 I think the Imperial County pilot program is going
14 to be a fine one. That's a good staff effort to ease the
15 administration of this kind of thing. The tire dealers,
16 of course, are always interested in the Farm and Ranch
17 Program since they pay a portion of the price of the
18 funding from the tire fee.

19 And once again, there were a couple of items, a
20 couple of projects, on this cycle's grant applications
21 that seem to be reminiscent of ones that had, or one that
22 had been brought up before, and that had to do with
23 property that had been purchased recently, and staff had
24 identified, or the district had identified, that this was
25 an eligible applicant for the cleanup.

1 And I know this issue is going to be dealt with in
2 the criteria in the next item. But once again, you know,
3 just as an issue that my tire dealers associations call
4 me, and they said to say a few words and just raise the
5 issue that if you are going to buy a piece of property,
6 whether it's an acre or 20 acres or 480 acres, you want to
7 go out and take a look at that property and make sure
8 there's no dump sites, there's no tires 50 yards from your
9 primary house. It just doesn't seem reasonable that, you
10 know, a conscientious purchaser of property would buy a
11 place site unseen.

12 And of course, these dump sites are usually -- can
13 be illegal dump sites, and there are a lot of them -- and
14 I think the Imperial County pilot program is evidence of
15 it -- are usually near roads where people come and just
16 sort of throw stuff, trash, over a fence or just down the
17 side of the road in that property. I would think that as
18 somebody who's buying property, they would want to take a
19 like, circumnavigate their property lines and just see if
20 there's any kind of waste that's in the area.

21 And if there is, certainly make a deal when they
22 are buying that property to have the -- a continued
23 seeping of the seller, take care of that property, take
24 care of that waste, take care of these tires and that type
25 of thing.

1 All I'm basing this little minor gripe on is the
2 staff write-up. And I don't know any more details. There
3 may be extenuating circumstances. But this is one of
4 those things that, you know, I just wanted to raise.

5 And once again, as we go into the next item, you
6 know, it just seems that the onus should be on the
7 property owner. And a self-certification that they hadn't
8 known about that dumping, I would think that the default
9 should be the assumption is that they would have known
10 about it. And I'm not sure that the certification would
11 necessarily be significant enough to ease the issue as far
12 as the tire issue is concerned, anyway.

13 Thank you.

14 CHAIRPERSON MULÉ: Thank you.

15 Now, we do have another speaker. I'm not sure if
16 you do want to speak to this item or not.

17 Tacy Currey?

18 MS. CURREY: My name is Tacy Currey with the
19 California Association of Resource Conservation Districts.

20 And I actually have been on that site and can
21 speak to that as well as several other sites. I would say
22 in the field, a lot of times these projects tend to be
23 icebergs. A lot of the debris is not physically or
24 visibly evident when you start. You may think that you
25 have a small project, but most of the areas that we're

1 working in are riparian corridors, and with riparian
2 corridors, you meet erosion. So over the course of time,
3 you run into the issues.

4 The one -- the question that we're running into on
5 this property is that someone used, back in the day, tires
6 for erosion along the stream bank. You had, you know,
7 years and years of soil and sediment on that as well as
8 vegetation. When you have a large tidal volume of water
9 that goes through and causes erosion, suddenly a few of
10 those become apparent, and then you go through and
11 investigate and realize that you have a much larger issue
12 than what you thought you had. So sometimes people are
13 actually, you know, investigating these properties, and
14 they don't realize that they actually have those
15 situations on the property.

16 I can attest to a site that I had that -- through
17 this program that we thought we were going to pull two
18 cars out of the creek. We got in there and started
19 snorkeling to chain them to pull them out of the creek,
20 and we realized that we had 16 cars that were in there,
21 you know, that had been abandoned. You only know how much
22 you get once you start the project, and we really
23 appreciate your program and the flexibility.

24 A lot of times we will run into, you know,
25 situations. I've pulled 1280 tons of concrete and 6-foot

1 boulders off of sites and had to cut that down into 2-foot
2 sections to be able to recycle it. You know, a lot of
3 those, we're trying to make sure we recycle as much as we
4 can and also deal with the program.

5 The other thing, too, is realize that your
6 program -- it is a huge program -- is keystone. It is a
7 keystone to engage landowners. Sometimes they are
8 landowners we have never worked with before. We work
9 voluntarily with public and private properties, and so
10 sometimes that's a first interaction we've had with a
11 landowner in being able to restore or enhance a riparian
12 corridor.

13 And so for them to then put in money after, a lot
14 of times we actually end up with more enhancement on those
15 properties over the course of time because they had such a
16 positive experience. We did have a dip in some of the
17 activities you had last year. That's because metal prices
18 went up. And we don't need your funds. We're going to
19 use them. We're very cheap. So we want to actually see
20 if we can actually get the metal off the sites for free.

21 So you know, and actually in that -- in this one
22 instance, we had five cars on that site when we showed up
23 at the site, that he knew were a persistent problem, and
24 he had not figured out how to get rid of them. And we
25 knew that we had to call the county and actually have them

1 declared, and we knew where to scratch off and find the
2 VIN numbers so that he could have those disposed off.

3 So we try to work with those and be able to
4 enhance them so they are usually a little bit broader than
5 the scope that you see in the proposals.

6 CHAIRPERSON MULÉ: Good. Thank you for being
7 here.

8 Okay. Questions for staff?

9 I know that we have the Imperial County LEA here,
10 so thank you for being here today. Appreciate it.

11 Would you like to say anything? No? Okay.

12 Questions? Board Member Peace?

13 MEMBER PEACE: On the No. 1, I do appreciate Terry
14 Leveille's comments. I think we all have the same
15 concerns on that. But where it says he's seeking
16 reimbursement, under our rules, they do have to have a
17 receipt and before and after pictures. And he provided
18 all that information?

19 BRANCH MANAGER WALKER: Correct. That grant had a
20 small portion for reimbursement for -- specifically for
21 equipment rental costs, and so we have that receipt for
22 that, and the attestation -- the attested statement of the
23 applicant, Mendocino County Solid Waste Management
24 Authority.

25 MEMBER PEACE: I have a more general question.

1 No. 5. It says there's two parcels that the Board
2 considers a site, a parcel as a site. Is that how --
3 like, so we're limited to \$50,000 per site. But do we
4 consider a parcel a site?

5 BRANCH MANAGER WALKER: Typically, yeah, normally,
6 the parcel would be considered one site.

7 MEMBER PEACE: I guess my general question was
8 No. 1, it says there was a 480-acre parcel. Is there so
9 many acres to a parcel, or could a parcel just be like 1
10 acre, or could a parcel be a thousand acres? How does a
11 parcel work?

12 BRANCH MANAGER WALKER: Parcels with farm and
13 ranch zoning and authorization are rarely going to get
14 anywhere under 5-acres, and they could vary tremendously
15 from tens of acres to thousands of acres, and hundred-acre
16 plus parcels not uncommon under the program.

17 MEMBER PEACE: You know, I could see, like if
18 we're saying, they get \$50,000 per site, they are per
19 parcel if they are big. But if they are only -- does that
20 still apply if it's only a ten-acre parcel or a 50-acre
21 parcel?

22 BRANCH MANAGER WALKER: Yes. If the parcel's 10
23 to 50 acres and an it's eligible site, eligible
24 activities, versus a hundred --

25 MEMBER PEACE: Let's say the landowner had 50

1 acres but it was parceled 25 and 25, and he would qualify
2 for a hundred thousand dollars to clean up the site?

3 BRANCH MANAGER WALKER: Well, a single property --
4 it's based on site and property. So certainly, if there
5 were -- the same property owner had separate parcels, then
6 that wouldn't preclude them from applying. I don't
7 know -- I don't recall a case where we have done that
8 recently, but certainly, normally, what it is, is there's
9 usually -- a property owner is going to have one parcel in
10 an area. It's going to be a very, very large parcel.

11 MEMBER PEACE: There's two parcels. Do you know
12 how big they are?

13 BRANCH MANAGER WALKER: On No. 5, those parcels
14 are on the order of hundreds of acres. Those are huge
15 parcels. And they're separate owners. They're not one
16 owner of both parcels. There's two owners.

17 CHAIRPERSON MULÉ: Okay. Any other questions?

18 No other questions.

19 Then do I have a motion?

20 MEMBER PEACE: I know there are two resolutions.
21 I will just move them one at time. Resolution 2008-108.

22 MEMBER BROWN: Second.

23 CHAIRPERSON MULÉ: That was moved by Member Peace;
24 seconded by Chair Brown.

25 Call the roll, Donnell.

1 EXECUTIVE ASSISTANT DUCLO: Brown?

2 MEMBER BROWN: Aye.

3 EXECUTIVE ASSISTANT DUCLO: Peace?

4 MEMBER PEACE: Aye.

5 EXECUTIVE ASSISTANT DUCLO: Mulé?

6 CHAIRPERSON MULÉ: Aye.

7 That one will go on fiscal consent.

8 And the next one?

9 MEMBER PEACE: I'd like to move resolution
10 2008-109.

11 CHAIRPERSON MULÉ: Okay. That was moved and I
12 will second that.

13 And we'll call the roll on that since it's a
14 fiscal item.

15 EXECUTIVE ASSISTANT DUCLO: Brown?

16 MEMBER BROWN: Aye.

17 EXECUTIVE ASSISTANT DUCLO: Peace?

18 MEMBER PEACE: Aye.

19 EXECUTIVE ASSISTANT DUCLO: Mulé?

20 CHAIRPERSON MULÉ: Aye.

21 We'll put that on fiscal consent as well.

22 We'll take a five-minute break. Be back here at
23 no later than 11:20.

24 (A break was taken in proceedings.)

25 CHAIRPERSON MULÉ: Let's get started here. We

1 just have a few more items.

2 We're going to move around to Committee Item G,
3 Board Agenda Item 6. And then we're going to go back to
4 Item 5.

5 So Scott, get started, or Ted.

6 Oh, wait. We have an ex parte.

7 Board Member Peace?

8 MEMBER PEACE: Yes. Terry Leveille with TL &
9 Associates. We talked about some tire issues.

10 CHAIRPERSON MULÉ: Okay. Thank you. All right.
11 Ted? Scott?

12 PROGRAM DIRECTOR RAUH: Go ahead, Scott.

13 (Thereupon an overhead presentation was
14 presented as follows.)

15 BRANCH MANAGER WALKER: Item No. 6 is the
16 consideration of the scoring criteria and evaluation
17 process for the Farm and Ranch Solid Waste Cleanup and
18 Abatement Grant Program, and this would be updated, again,
19 for a two-year period through FY 08/09 and 09/10. The
20 current criteria was adopted in June '06, and so we're
21 back for consideration today to renew it, and at the same
22 time bring up several issues for some discussion, and we
23 have some staff proposals to try this next updated round.

24 --o0o--

25 BRANCH MANAGER WALKER: Without going into too

1 much detail, I know I talked about it the last item, but
2 the scoring criteria and evaluation process, this
3 incorporates -- this is part of all of our grant programs
4 incorporating general policies for all of the programs and
5 also the program-specific aspects.

6 And these are reflected in our application
7 materials for grantees and we -- again, we periodically
8 come back to the Board to update these. And the
9 recommended changes that we have for this Item includes
10 some minor revisions to the grant scoring criteria in
11 Attachment 1.

12 We have recommended increasing points for
13 enforcement programs directly related to the grant package
14 and also some scoring that would grant some additional
15 points for including some voucher amnesty-type aspects
16 that could help combat illegal dumping.

17 The other, second, one is to reduce the number of
18 grant cycles each year from four to three. You see us
19 quite frequently every quarter, typically and it's a lot
20 of work.

21 MEMBER BROWN: Is it that you don't think we want
22 to see you or it's the work? Because we don't mind seeing
23 you more frequently, just to clarify. But if it is a lot
24 of work, that's different.

25 BRANCH MANAGER WALKER: Yes. And you know, we

1 love to be in front of you discussing everything.

2 But in this, we think we could maintain our
3 current support to the applicants with three cycles.
4 We're not ready to go to two yet, but four to three looks
5 pretty good, and so we're recommending that.

6 The third is to revise the affidavit for property
7 owner non-responsibility. For more information, when the
8 property owners were aware of the waste when the property
9 was purchased, and we'll talk about this a little bit
10 more. We've gone into a little more detail on how this
11 would work. And finally, some additional discussion on
12 the reimbursement grants and master agreement. We'll
13 probably not talk too much. We talked quite a bit the
14 last item on this. We're not recommending any changes at
15 this time on those two aspects.

16 --o0o--

17 BRANCH MANAGER WALKER: On the affidavit, an
18 affidavit is required by -- for property owners to sign
19 and notarize under penalty of perjury that they grant
20 access for cleanup and that they declare that he or she or
21 a prior owner, if inherited, did not authorize nor was
22 responsible for illegal dumping.

23 There's been potential concerns brought up. Terry
24 Leveille brought this up. And it relates to the concept
25 of unjust enrichment of owners of properties purchased,

1 knowing the waste was there. The thinking is, you know,
2 some people may -- people do things bad and one could
3 conceive of a property owner negotiating the price
4 reduction on a property based on the waste being there and
5 then coming back and getting a grant. That would
6 constitute unjust enrichment that we want to avoid.

7 --o0o--

8 BRANCH MANAGER WALKER: One of the problems is
9 that we've not really gotten good information on
10 applications. We've not -- some of the applicants
11 actually do this, where we require the applicant to sign
12 whether they knew the property -- when they knew the site
13 was there when they purchased it.

14 Shasta is one that does this, and whether or not
15 they -- and in most cases the ones for these applications
16 they had, they didn't know of it. So -- but they do use
17 this, and we need to get this information rather than
18 having to have this question each time before we come
19 before the Board. It takes a lot of extra work to deal
20 with.

21 And so the affidavit, what we're proposing
22 specifically is for the owner to declare if he or she was
23 aware of the waste at the time of the purchase. Basically
24 have a block -- you know they check the block under
25 penalty of perjury. If yes, then they have to sign

1 whether or not they negotiated a reduced price for the
2 property based on the presence of waste.

3 Now, in yes to No. 2, we've had a couple
4 situations where this may have some extenuating
5 circumstances. So if yes to No. 2, we would require that
6 an explanation be provided and any yes to No. 2 requires
7 only consideration by the Board on a case-by-case basis if
8 we ever get this.

9 And again, we've not seen evidence that we've
10 gotten this type of a situation, but if it comes up, we
11 would have the explanation, if they have an explanation,
12 and bring this before the Board on a case-by-case basis.
13 And one of the topics, one of the scenarios, that has been
14 brought to our attention is, in some cases, a public
15 entity may purchase the property knowing the site, you
16 know, as is, knowing the site is there and purchase and
17 get discount on the property, but it's dedicated to the
18 public benefit. It may still have legitimate farm and
19 ranch land use. And now, you know, it's conceivable that
20 the situation could occur, and it may be a reasonable
21 justification, but the applicant, if this is the case,
22 would have to come to the Board and basically convince the
23 Board that it was appropriate to award the grant.

24 We also think that there may be -- there
25 conceivably could be situations where the private property

1 owner may have, as our RCD rep noted -- that may not have
2 actually -- may have seen some waste and may have dealt
3 with some waste, may not have dealt with some waste, but
4 it may have been a lot more extensive, and this may or may
5 not be the only way for us to get a cleanup done, short of
6 referring it to the solid waste cleanup program where we
7 have an enforcement situation, maybe get into an
8 adversarial situation with cost recovery, and the site may
9 not get cleaned up in a timely manner.

10 And this may be a case of -- on a case-by-case
11 basis that the Board may want to consider, so we would
12 propose to bring these forward to the Board on a
13 case-by-case.

14 So that's kind of how we see it. Again, with the
15 scoring criteria and evaluation process, we provide this
16 information disclosed upfront in each grant that comes
17 forward. And again, if we do get into a situation that we
18 feel would be rare, the No. 3 situation, those would have
19 to be on their own merits brought before the Board, and
20 the Board would basically have the authority to reject or
21 approve them.

22 --o0o--

23 BRANCH MANAGER WALKER: The topic of reimbursement
24 grants, this has been brought up as a concern. And from
25 time to time, it's a very minor part of the program, less

1 than 10 percent of the grants funds. I think there's been
2 only really two full reimbursement grants, and they are
3 not normally considered until the end of the fiscal year
4 if money is available. We've had a couple of cases where
5 there's a small amount of partial reimbursement for very,
6 very specific items.

7 Mendocino County grant is an example. We've had
8 several of those situations. But it's been a relatively
9 minor part of the program. Now, Imperial County
10 illustrates that it may actually be, in certain
11 situations, very good leverage with respect to gaining
12 actions by private property owners.

13 And so one thing to bring up, too, is that the
14 property owners must have documentation to verify costs.
15 We don't pay property owners for labor. It's like I'm Joe
16 Rancher. You know, I went out and I spend twenty hours
17 and I'm making \$100 an hour. No, no. That's not allowed.

18 If they got contract labor and it's appropriate,
19 maybe, if it's appropriate if it's specifically to the
20 project. We scrutinize those carefully, but we don't pay
21 them for their own labor. Rental costs, tipping fees,
22 etc., are examples.

23 And finally, stakeholders have conveyed to us that
24 this is an option that we need to maintain for flexibility
25 of the program. And so therefore, at this time, we're not

1 recommending any changes to that part of the criteria.
2 Continue to disclose it to the Board and go over each
3 application as they come through and maintain
4 reimbursement grant options under the program. It is in
5 regulations, and we did put this originally in the program
6 at the request of stakeholders.

7 --o0o--

8 BRANCH MANAGER WALKER: Then the final issue is
9 the master agreement approach. And again, with Imperial
10 County pilot project, we think this is an exciting area
11 that may really reduce the administrative burden on the
12 program and lead to more timely and cost-effective illegal
13 dumping cleanup and prevention.

14 I think right now the consensus internally, from
15 staff, is that we're not ready to bring this as part of
16 the normal part of the program, although the Board may
17 direct us at any time to adjust and incorporate it. What
18 we're proposing is to continue to monitor the Imperial
19 County pilot project, and then report back to you
20 periodically, and then as this program goes through, the
21 Board -- you know, we may seek your direction to include
22 this as part of the normal part of the program.

23 --o0o--

24 BRANCH MANAGER WALKER: So in conclusion, we,
25 staff, recommend the approval of the scoring criteria

1 evaluation process for the Farm and Ranch Solid Waste
2 Cleanup and Abatement Grant Program for fiscal years
3 2008/2009 and 2009/10, and adoption of resolution
4 No. 2008-102.

5 That would conclude staff's presentation. I would
6 be happy to answer any questions.

7 CHAIRPERSON MULÉ: Okay. Thank you, Scott.

8 We do have the two same speakers from the earlier
9 items. So Terry Leveille first and then Tacy.

10 MR. LEVEILLE: Thank you, Madam Chair and
11 committee members.

12 Terry Leveille, TL & Associates today. I think
13 it's the, you know, this is a workable -- on that very
14 small percentage of applicants that do -- that have
15 recently purchased the property and they have done that,
16 let's just see how it works. Everything else looks fine.

17 CHAIRPERSON MULÉ: Good. Thank you. Appreciate
18 your support.

19 Tacy.

20 MS. CURREY: Tacy Currey, California Association
21 of Resource Conservation Districts.

22 We too support the staff recommendations. And I
23 also would like to say, in terms of the master agreement
24 process that you are looking at, we do do some master
25 agreements with other agencies. And one thing that I

1 would like to point out is, conservation districts when
2 they contract with a state entity, they are considered
3 like a state entity. So you can actually even enter into
4 an interagency agreement with us.

5 And we've been able to use that successfully with
6 Cal Fire for fuel oil reduction programs throughout the
7 Sierra Nevada area. And we've been able to allow several
8 million dollars worth of fuel oil reduction in areas where
9 we're able to do and deal with eminent crisis or risk and
10 threat assessment. We go through the same paperwork and
11 process, but it's a little bit faster.

12 And I think it would make sense for you in that a
13 lot of times when we're having illegal dump sites, you
14 seem to aggravate over the course of time. And in the
15 time that we take to get all the paperwork together, we're
16 getting more couches, all the different debris going, and
17 the pile increases over that time. And so if we can
18 actually implement faster, in a more efficient method, we
19 should be able to stem it a lot quicker.

20 Thank you.

21 CHAIRPERSON MULÉ: Thank you. Chair Brown?

22 MEMBER BROWN: That's great.

23 Actually, the one note I put on the master
24 agreement approach is that it also serves our customer
25 service improvement portion of our strategic directives.

1 So that wasn't mentioned in achieving another directive,
2 but it does, you know, speak to our improving customer
3 service with all of our customers. So add that to your
4 check off.

5 And also, you know, the illegal dumping. You
6 know, I appreciate the significant amount of time that's
7 being spent on this issue, because it is a blight, even
8 though I hate that word. You know, it does speak to our
9 strategic directives to really focus and emphasize on
10 illegal dumping and being able to stem the tide as quickly
11 as possible.

12 And one last thing. It may seem like a minor
13 thing, but the affidavit, it may not be -- the wisdom is
14 in the deterrence that may cause people to think twice
15 before they actually have to sit there and swear by
16 affidavit by penalty of perjury before they agree to move
17 forward. Whether it's going to diminish or not, it's
18 definitely a deterrent.

19 CHAIRPERSON MULÉ: I agree. Thank you, Chair
20 Brown.

21 Board Member Peace?

22 MEMBER PEACE: Kind of say the same thing. You
23 know, the questions we had regarding the recent purchase,
24 I'm glad that we are revising the affidavit because
25 sometimes things go around in my mind, like what Terry

1 brought up. You know, on a recent purchase, shouldn't the
2 new buyer have done his due diligence and shouldn't we
3 assume that he knew that the garbage was there?

4 And I have that going on with trying to balance
5 that with making sure the sites are cleaned up. You want
6 to make sure these environmental messes are cleaned up in
7 a timely manner. So got those two things kind of going on
8 in my head, but this is a good start. At least throw that
9 in there and see how it works out.

10 MEMBER BROWN: All we have to do is follow up one,
11 and then it becomes a stronger deterrent.

12 CHAIRPERSON MULÉ: Right.

13 Good work.

14 MEMBER PEACE: It seems like maybe in the purchase
15 agreement or something, if we did follow up on these, it
16 would seem maybe in the purchase agreement there might be
17 something in there that mentioned that it was placed on
18 the property.

19 Okay. I have no further questions.

20 MEMBER BROWN: Move Resolution 2008-102.

21 MEMBER PEACE: Second.

22 CHAIRPERSON MULÉ: Moved by Chair Brown; seconded
23 by Member Peace.

24 Call the roll, Donnell.

25 EXECUTIVE ASSISTANT DUCLO: Brown?

1 MEMBER BROWN: Aye.

2 EXECUTIVE ASSISTANT DUCLO: Peace?

3 MEMBER PEACE: Aye.

4 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

5 CHAIRPERSON MULÉ: Aye.

6 Put that one on consent. Thank you.

7 And now we'll go back to Committee Item F, Board

8 Agenda Item 5.

9 PROGRAM DIRECTOR RAUH: Yes, thank you very much.

10 This item is consideration of allocation and grant awards

11 for three proposals from the Solid Waste Disposal Trust

12 Fund totaling \$931,600.

13 And here to present the item is Mustafe Botan.

14 MR. BOTAN: Good morning, Madam Chair and

15 Committee Members.

16 (Thereupon an overhead presentation was

17 presented as follows.)

18 MR. BOTAN: Good morning, Madam Chair and

19 Committee members.

20 Agenda Item No. 5 is for the consideration of

21 allocation and grant award for the Solid Waste Disposal

22 and Codisposal Site Cleanup Program.

23 The Solid Waste Cleanup Program have received four

24 grant application during the fourth cycle of fiscal year

25 2007/08.

1 One application was deemed ineligible for funding
2 because the proposed project was ineligible activity under
3 Title 14 of California Code of Regulations. The remaining
4 three applications were accepted, evaluated, and scored
5 using the process and scoring criteria that were approved
6 by the Board in June 2007. The accepted grant proposals
7 were from City of Los Angeles, Sacramento County, and
8 Suisun Resources Conservation District.

9 For the record, there were three typos in the
10 agenda item with respect to the total grant amount and
11 County of Sacramento grant amount. These typos will be
12 corrected. The total grant amounts and County of
13 Sacramento grant amount stated in the attachments and in
14 the resolution are correct.

15 In 2004, the City of Los Angeles received and
16 successfully managed and utilized a \$500,000 illegal
17 disposal site cleanup grant from the California Integrated
18 Waste Management Board. The grant project consisted of
19 assessment and cleanup of 65 chronic illegal dumping sites
20 throughout the City over a 14-month period.

21 The City has identified 50 new high-priority
22 chronic illegal dumping locations on public right-of-ways
23 that it plans to clean up while discouraging future
24 illegal dumping activities at these locations by utilizing
25 various enforcement strategies.

1 The City is requesting \$500,000 to clean up this
2 newly identified high-priority dumping sites. This will
3 enable the City to expand and focus its effort against
4 illegal dumping.

5 Here are sample photographs showing the type of
6 dumping taking place at the city streets, alleys and
7 vacant lots.

8 The Lower Joice Island disposal site is located on
9 the levee between Suisun Slough and marsh habitat. The
10 disposal site includes old machinery, household items and
11 a large pile of structural wood from collapsed water
12 control and bulkhead structures. Suisun Resource
13 Conservation District acquired the site in June 2000.

14 The objective of the cleanup of the dump site is
15 to restore the island to the natural landscape of Suisun
16 Marsh and to remove the solid waste that presents
17 potential hazards to the visiting public. Once the solid
18 waste material is removed from the island, the
19 conservation district can continue to encourage public
20 visitation and use of the island.

21 The conservation district has been working to
22 clean up this site since it acquired the island in 2000.
23 The grant funds will be used to remove the remaining large
24 pieces of scrap metal and machinery that cannot be moved
25 with hand-labor and will require the rental of lifting

1 machinery and a barge for removal of the items from the
2 island.

3 The Franklin Field Landfill site is located
4 adjacent to the Franklin Field Airport in Elk Grove and is
5 owned by the Sacramento County Department of Airports.
6 The site was used by the military in the 1940s and other
7 Sacramento County agencies from the 1950s to 1980s. The
8 Rio Cosumnes Correctional Center used this site to dispose
9 of residential and demolition waste. Site records
10 indicate that the landfill may have operated as a burn
11 dump.

12 In October 2001, the Closed, Illegal and Abandoned
13 Sites Section of the Board, per the Sacramento County
14 Local Enforcement Agency request, performed a site
15 investigation and characterization. Results of the
16 investigation determined that the waste site has no cover
17 on it and does not meet state minimum standards.

18 The County is requesting a matching grant in the
19 amount of \$410,000 to bring the site into compliance. The
20 proposed project will result in a secured site where the
21 refuse will be covered with a minimum 2-foot cap of soils
22 and graded to establish the required slope.

23 The grant applications were evaluated and scored
24 using the process and scoring criteria that were approved
25 by the Board in June 2007. The grant proposals received

1 scores that exceeded the required minimum score of 60
2 points.

3 Staff is recommending the approval of the proposed
4 grants and adoption of Resolution 2008-101.

5 With respect to impacts on the Solid Waste Trust
6 Fund, which funds the Solid Waste Disposal and Co-Disposal
7 Cleanup Program, the unreserved balance is \$4.93 million.
8 If the Board decides to approve this project, the
9 unreserved balance would be roughly \$4.02 million.

10 This concludes my presentation and I will answer
11 any questions that anybody might have.

12 Thank you.

13 CHAIRPERSON MULÉ: Thank you, Mustafe.

14 We do have three speakers, so I will call them to
15 speak first. Steven Chappell?

16 MR. CHAPPELL: Good morning, Chairman and members
17 of the Board.

18 I want to thank staff for all their labor with us.
19 My name is Steve Chappell. I am the executive director of
20 the Suisun Resources Conservation District. And David
21 Bolesci [phonetic] who's the resident manager at Lower
22 Joice Islands.

23 I would like to support the staff's recommendation
24 of funding this. We are a public agency. We have
25 acquired this island through -- about in 2000, and we've

1 been taking steps to move forward with trying to clean the
2 site up.

3 The complications is, it is an island, and it's in
4 a wetland area. So this cumulation over time is difficult
5 for the removal, and we've done what we can by hand, and
6 this grant will really help us get from our current
7 efforts to resolve it so we can move forward with other
8 activities.

9 So I would like to answer any questions that the
10 Board may have. And then with regard to the district and
11 the property, David can answer any questions on the
12 technical aspects.

13 CHAIRPERSON MULÉ: Good. No questions. But thank
14 you for being here. Appreciate it.

15 Carolyn Lin.

16 MS. LIN: Good morning. I'm Carolyn Lin from the
17 City of Los Angeles.

18 And I just wanted to say thank you to all of you
19 and Board staff for considering our application for this
20 grant.

21 I'm here to answer any questions you might have,
22 and I look forward to working with you guys, the Waste
23 Board, in cleaning up our illegal dumping problems in the
24 City of Los Angeles.

25 Question. Chair Brown?

1 MEMBER BROWN: No question. It was just noted,
2 the three distinct council districts, and it's tragic that
3 it's so few of the population is being targeted so
4 significantly for illegal dumping. But I applaud you and
5 our staff's efforts to really focus this grant on cleaning
6 up those particular areas.

7 MS. LIN: Thank you. We really appreciate that.

8 MEMBER PEACE: I'm sorry. I have a question.

9 CHAIRPERSON MULÉ: Board Member Peace?

10 MEMBER PEACE: It says here, we had given the City
11 \$500,000 in 2004 to clean up 65 sites. Do you know if
12 those have stayed clean, or are some of these 50 sites
13 that we're giving money today for, were some of those in
14 the 65 sites that we cleaned up four years ago? How do
15 you make sure that once this is cleaned up -- what are you
16 going to do to make sure once this is cleaned up, this
17 doesn't happen again? It says kind of like lack of
18 enforcement to stop illegal dumping.

19 MS. LIN: I have not -- to be honest, I am not
20 familiar with what happened in 2004. I recently moved
21 into this position here. I've been working with the city
22 attorney's office on the 50 sites that we have looked at
23 for the three council districts. And in that program that
24 they had in 2004, from my understanding is that they have
25 targeted 50 sites, 50 chronic illegally dumping sites.

1 The city attorney's office, Public Works, and our
2 department along with Bureau of Street Services have --
3 it's -- let me backtrack on this one.

4 It's 25 percent of the geographical area of the
5 city that has 52 percent of the illegal dumping that's
6 going on right now in the city. And what we would like to
7 do with this grant is to be able to target these three
8 council districts because it's so heavily compacted to a
9 low to moderate income, minority population. There is a
10 lot of people that don't understand where they can take
11 their materials to, where they can properly dispose of the
12 materials, or they don't understand the programs that are
13 within the city.

14 And what we would like to do is have an education
15 and outreach program along with cleaning up these areas
16 and doing surveillance. From what I understand, there is
17 a reward program out there that would reward people \$1,000
18 to report somebody to go up to -- prosecuting the person
19 who's perpetrated the illegal dumping. And from what the
20 city attorney has told me is that they have only had two
21 people turned in for that. So what we would like to do is
22 expand that; let people know what's going on.

23 I think a lot of people see higher dumping rates,
24 they see that it's -- things are not very easily
25 accessible to where they live, so they go anywhere, even

1 in broad daylight, dumping their material anywhere. I
2 mean, I have worked with Street Services and they have
3 told me that people -- every week, they see the same
4 materials, same type of material, on the same sections of
5 the city. So they go out there. They patrol it; they
6 look at it; they document that they have gone out there to
7 look at it. They pick it up if they have to.

8 But I think once people see a certain area where
9 you see the same blight -- I know you don't like that
10 word -- but you see the same thing going on all the time
11 and they think, okay, well somebody's getting away with it
12 here, I think we could do the same thing, and nobody's
13 caring and nobody's paying any attention.

14 But with the city attorney's office and all the
15 groups involved with this, we would like to be able to put
16 out surveillance cameras. We would like to be able to put
17 out a nice PowerPoint presentation or a video
18 presentation, educate the public, this is where you can go
19 to -- this is not acceptable behavior in your community,
20 and you can -- and you do have a right to say something
21 that a city attorney's office or our inspectors will be
22 able to prosecute.

23 So you know, that's it in a nutshell.

24 I don't know if I answered that quite well.

25 I can't tell you about the 64 areas or 65 areas

1 that were in the 2004 grant. I can't tell you, but I can
2 tell you what we were shooting for with this program.

3 CHAIRPERSON MULÉ: Thank you, Carol.

4 I think Scott can answer that question. So why
5 don't we have Scott.

6 BRANCH MANAGER WALKER: These are 50 new sites;
7 these are not -- these are different from the original 65.

8 MEMBER PEACE: 65 have remained fairly clean then?

9 BRANCH MANAGER WALKER: Based on the information
10 that we get is that there's been substantial improvement.
11 Now, I think realistically, can we say a hundred percent?
12 No. But the information we have is that it's
13 substantially improved.

14 And part of it's a result of targeting the efforts
15 in that area, and then you got that community contact,
16 public education. And so hopefully the 50 sites will get
17 the same benefit that will last a lot longer.

18 MS. LIN: We're also hoping that whatever we find
19 out works in this project, we'll be able to utilize in
20 other council districts that have a lower -- a lesser
21 problem of illegal dumping. But it still exists in every
22 council district.

23 So we'll see what happens with this project, and
24 we hope for the best and for the city.

25 CHAIRPERSON MULÉ: Thank you, Carolyn.

1 Next speaker, Phil Fischbach.

2 MR. FISCHBACH: Good morning, Chairman Mulé, Board
3 Member Peace, Board Member Brown.

4 My name is Phil Fischbach. I am with the County
5 of Sacramento, Architectural Services Division. I am an
6 environmental program manager in that department. I am
7 here today representing my internal clients, Department of
8 Airports, as the property owner, and the Sheriff's
9 Department of the County of Sacramento as the beneficial
10 user of that dump site over the years.

11 We have worked hand in hand with your staff, all
12 through this project, including initial characterization
13 and looking at remedial alternatives. And what at first
14 glance appeared to be a very simple project has turned
15 into an incredibly difficult and expensive project
16 primarily because of the wetlands and endangered species
17 elements of this project.

18 So we've been working on this thing since 2001,
19 and we finally have all of our permits in place. We've
20 paid our mitigation fees for the loss of wetlands and
21 we've gone out to bid. We got a good bid from a good
22 contractor and we are ready to go, pending the approval of
23 this grant application from your Board.

24 I can tell you that we really appreciate the
25 consideration of this. The sheriff's department is the

1 primary beneficial user and responsible party in this
2 thing, as I'm sure you are aware, just like most municipal
3 agencies right now, we are in dire straights relative to
4 the budget. And getting this grant could mean the
5 difference between having officers on the street and
6 having to take them off.

7 So we thank you very much for your consideration.

8 CHAIRPERSON MULÉ: Thank you. Thank you for being
9 here.

10 Any questions for staff?

11 Do I have a motion?

12 MEMBER PEACE: I would like to move Resolution
13 2008-101.

14 MEMBER BROWN: Second.

15 CHAIRPERSON MULÉ: Moved by Member Peace, seconded
16 by Chair Brown.

17 Donnell, call the roll.

18 EXECUTIVE ASSISTANT DUCLO: Brown?

19 MEMBER BROWN: Aye.

20 EXECUTIVE ASSISTANT DUCLO: Peace?

21 MEMBER PEACE: Aye.

22 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

23 CHAIRPERSON MULÉ: Aye.

24 That will go on fiscal consent.

25 And now our final item for today is Committee Item

1 H. Ted.

2 PROGRAM DIRECTOR RAUH: This is consideration of
3 new Board-managed projects totaling \$335,000 for the Solid
4 Waste Disposal and Codisposal Site Cleanup Program funding
5 coming from the Waste Disposal Trust Fund.

6 And here to present is our successful presenter,
7 Scott Walker.

8 BRANCH MANAGER WALKER: Yes, me again. Wes
9 Minderman, I'm sure you all heard, had a new baby, Baby
10 Luke, so --

11 CHAIRPERSON MULÉ: I don't think he's here.

12 BRANCH MANAGER WALKER: He was here. He was a
13 little earlier. He was here. Wes Minderman, yeah. They
14 had a new baby. It was a little early. So we've been
15 filling in.

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 BRANCH MANAGER WALKER: Again, Scott Walker,
19 Cleanup Branch.

20 The two projects -- again, these are the
21 Board-managed component of the program and is a separate
22 agenda item from the grants.

23 And the two projects we have before you today are
24 the Cummings Property Illegal Disposal Site, Yuba County,
25 and the Desperado Illegal Disposal Site, El Dorado County,

1 and these are two recommended Board-managed projects
2 totaling \$335,000. Cost recovery is applicable. And I
3 will just go through a brief presentation of these sites.

4 --o0o--

5 BRANCH MANAGER WALKER: Cummings Property Illegal
6 Disposal Site. This is a 19-acre property northeast of
7 Marysville. Illegal junkyard operation. A major problem
8 site for a number of years. Lots of tires on this site.
9 Lots of mixed tires, trash, and other stuff on this site.

10 Extensive enforcement actions, superior court
11 judgment, county CUPA. And the LEA along with the DA and
12 circuit prosecutor were directly involved.

13 We've actually had U.S. EPA and DTSC run through
14 this site with respect to the potential illegal -- or
15 hazardous substances.

16 And again, the enforcement extent has resulted in
17 the owner ceasing the activities but is unable to clean up
18 the property. The residual amount of waste is just huge
19 on this site. They have given the voluntary access and
20 acknowledgment of cost recovery. There's been a
21 declaration of assets sufficient to justify a lien. In
22 other words, if he's got more assets, you know, we go
23 after that. But the lien appears like it will happen.
24 But -- so we are getting cooperation right now from the
25 property owner.

1 The County requests the Board-managed cleanup.
2 This county doesn't have the capability of doing this
3 under a grant. The proposed project -- the Board's
4 contractor, Guinn, would remove the waste for disposal and
5 recycling and also process for green waste on site for use
6 as mulch.

7 --o0o--

8 BRANCH MANAGER WALKER: Just a couple of pictures.
9 This is in a forested area, so this definitely has a fire
10 hazard threat issue. The waste sites are problematic if
11 the fire gets here.

12 It shows you in the bottom right the tires. The
13 type of problem -- the tires on these sites are a lot of
14 problem to clean up. They are dirty. There's a lot of
15 trash and crap in there. There's large tires, oversized
16 tires. It's a mess.

17 --o0o--

18 BRANCH MANAGER WALKER: Our second site, Desperado
19 illegal disposal site. And this is a similar foothill
20 forested area outside of Placerville in Somerset.

21 Illegal dumping; waste; debris; tires; a lot of
22 appliances at this site; batteries; car batteries;
23 household hazardous waste; a lot of TVs at this site for
24 some reason. It's kind of a strange site.

25 As far as enforcement action, this is a case where

1 the County Public Guardian Office was appointed
2 conservator in 2003. And conservator is essentially a
3 state requirement that allows for persons that are
4 incapacitated to -- essentially, the state goes into a
5 public agency to control that property.

6 It's got an extensive complaint record since 2005.
7 The County has removed vehicles under the vehicle
8 abatement, and the County doesn't have the current
9 capability of finishing the cleanup.

10 There's been some illegal dumping on this site,
11 and so this is a concern in a forested area, also a fire
12 hazard.

13 County has granted us site access and will assist
14 us in recovery of Waste Board costs through a lien on the
15 property.

16 The remediation project would be the Board's
17 contractor, again, Guinn, our northern contractor, would
18 remove the waste for disposal, recycling, and install some
19 access controls on the site.

20 --o0o--

21 BRANCH MANAGER WALKER: Just a quick picture of
22 some of the waste on the site. Pretty extensive. Over a
23 6.4-acre site.

24 --o0o--

25 BRANCH MANAGER WALKER: In conclusion, the Board

1 staff recommend approval of proposed Board-managed
2 projects under the Solid Waste Disposal and Codisposal
3 Site Cleanup program and adoption of Resolution 2008-103.

4 We have our -- the Board would like us to go over
5 the fund and contract status. We can do that.

6 And with that, I would be happy to answer any
7 questions.

8 CHAIRPERSON MULÉ: Great. Thank you, Scott.

9 Do we have any questions for Scott on either of
10 these? None?

11 A couple really good projects. I think they well
12 deserve it.

13 So with that, do I have a motion?

14 MEMBER PEACE: Go in and clean it up.

15 I will move Resolution 2008-103.

16 MEMBER BROWN: Second.

17 CHAIRPERSON MULÉ: Moved by Member Peace; seconded
18 by Chair Brown.

19 Just call the roll.

20 EXECUTIVE ASSISTANT DUCLO: Brown?

21 MEMBER BROWN: Aye.

22 EXECUTIVE ASSISTANT DUCLO: Peace?

23 MEMBER PEACE: Aye.

24 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

25 CHAIRPERSON MULÉ: Aye.

1 And we'll put that on fiscal consent.
2 All right. Any other public comment?
3 With that, this meeting is adjourned.
4 Thank you.
5 (The California Integrated Waste Management
6 Board meeting, Permitting and Compliance
7 Committee adjourned at 12:04 p.m.)

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CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California Integrated Waste Management Board, Permitting and Compliance Committee meeting, was reported in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of June 2008.

KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
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